



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY
Director-General

Brussels,

Assembly of Agency Staff Committees
Secretariat of AASC
30, Churchill Place
LONDON E14 5EU
UNITED KINGDOM

Subject: Your letter dated 31 October 2016 (EMA/612324/2016)

Dear members of the AASC Secretariat,

President Juncker, Vice President Georgieva and Commissioner Oettinger have asked me to reply on their behalf to the letter dated 31 October 2016 that you have jointly addressed to them and to me.

By this letter, you request the formal recognition of the Assembly of Agency Staff Committees (AASC) as "*an acknowledged partner of the European Commission when in social dialogue with the agencies' staff members*". You also make a series of observations regarding the existence of a "*due social dialogue*" in the agencies on provisions implementing the Staff Regulations.

Please be assured that the Commission fully appreciates the added value of the AASC, in particular in drawing the attention of the Commission to general issues affecting agencies.

As regards your request for a formal recognition of the AASC as partner of the Commission when in social dialogue with the agencies' staff members, I would like first of all to emphasise that the agencies are independent bodies and that the Staff Regulations do not provide for the Commission to intervene in the social dialogue within the agencies.

In addition, when it comes to social dialogue within agencies, the Staff Regulations limits the formal interlocutors to the agencies' Staff Committees, the trade unions and staff associations (OSPs), and (a) potential common(s) staff committee(s), if duly constituted and observing the rules on staff representativeness.

Concerning your observations on a "*due social dialogue*" in the agencies on provisions implementing the Staff Regulations, you indicate, with respect to Commission's rules applicable in the Agencies pursuant to Article 110 (2) of the Staff Regulations, that those rules are already "*set in stone*", without proper consideration for the Agencies' situation, when submitted for opinion to the Agencies' staff committees.

On this specific point, I would like to point out that, before being adopted, Commission's implementing rules go through a full social dialogue process within the Commission, in particular via negotiations with the recognised OSPs. As you know, and as indicated in their statutes, the recognised OSPs are representing not only the staff of the European Commission but also the one of the agencies. They benefit from autonomy to decide on the composition of their delegation, which can thus comprise agencies' staff representatives. As such, the recognised OSPs are therefore in a position to raise specific circumstances relating to the agencies situation during the negotiation procedure.

In any event, and as you know, Article 110 (2) of the Staff Regulations implies that it is only once the Commission implementing rules are adopted, if need be after consultation of the Staff Regulations Committee, that the Agencies may, after consulting their Staff Committees, seek the Commission's agreement to derogations to Commission rules required in order to take into account the specific situation of the Agencies. A mechanism whereby the specificities of the Agencies would already be taken into consideration at the time of the adoption of the Commission decision would actually render meaningless Article 110(2) of the Staff Regulations.

I would also like to point out that the agencies' staff committees are largely involved in the adoption process of agencies implementing rules derogating from the Commission's ones. The Guidelines on the implementation of Article 110(2) of the Staff Regulations (C (2014) 6543) clearly indicate that model decisions, when drafted, are presented to the agencies' staff representatives by the administration's representatives in the Standing Working Party who then have to report back on the outcome of the consultation. In addition, the Staff Regulations make it clear that an agency may derogate from the Commission's rules or adopt rules on other issues only after consultation of its staff committee.

Finally, regarding your statement that "*the GIP [regarding temporary staff under Article 2(f) of the CEOS] is currently with the Commission's legal service for advice*" on "*impact on acquired pension rights of staff who change contracts*", I would like to clarify that there has never been a question of including issues regarding pension rights in that model decision and that the model decision as it is remains valid.

Yours sincerely,



Irene SOUKA

Copy: Mr Moricca, Director HR.E
Ms Saude, Head of unit HR.E.4
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