



*Sent by email*

To: Mr Eamonn Brenann, Director General EUROCONTROL

Date: 23/11/2022

Your reference: Your letter DGD22\_0401 of 17/11/22

Subject: Approval by Correspondence procedure in Reform package

Copies: Provisional Council & Permanent Commission

Dear Sir,

Your letter of 17 November 2022, in response to our letter of 26 October 2022, calls for some major observations on our part.

### **1. General remark**

First of all, it should be noted that you never respond to our concerns, questions and remarks, and that your answers do not correspond to the facts or respect the applicable texts.

We maintain all our remarks and requests.

### **2. Specific points**

On the violation of the procedure of Article 8.1 of the Rules of Procedure of the Permanent commission:

it is your proposal to amend the Statute, the Director General's proposal and not the proposals of the Provisional Council. Therefore, the procedures described in our previous letter (Article 8.1 of the Rules of Procedure of the Permanent Commission and Article 3.1 of the Rules of Procedure of the Provisional Council) should apply.

To claim that we are not quoting these articles and procedures correctly is an untruth.

It is obvious that these procedures have not been followed.

You cannot pick and choose from the rules governing these two bodies, nor can you interpret them as you wish to circumvent them.

### **3. Communication of votes**

The confidentiality you mention only concerns the debates (Article 9 RP Permanent commission and Article 8 RP Provisional Council).

The rules on voting are not affected (Article 7 RP Permanent commission and Article 6 RP Provisional Council).

We reiterate our request for the communication of the votes of the 2 bodies, if they have taken place in accordance with the rules.

Indeed, your projects have a direct and negative impact on the Agency's staff. It is therefore essential that we have access to these ballots in order to verify their sincerity and conformity.

The confidentiality you mention is a rule that simply does not exist. Opacity in this area only serves to hide possible irregularities and does not contribute to the spirit of transparency and openness that is necessary in this area. This is totally unacceptable.

#### **4. Reports and minutes**

Articles 10 and 11 are clear: all deliberations shall give rise to minutes in the matters indicated in Article 6 of the amended Convention, which expressly concerns the Staff Regulations (Article 6.2 of the amended Convention).

It should also be remembered that voting by correspondence was neither authorised nor provided for in this case.

The document "Measure 22/274" dated 18.10.2022 is not satisfactory from this point of view. However, it should be noted that it mentions "on the proposal of the Director General and the Provisional Council": these are your proposals, the procedures mentioned above should apply.

We cannot accept the implementation of your reform as it stands.

We expressly reiterate our requests for the transmission of the votes and all the documents (reports, minutes) of the Permanent Commission and the Provisional Council, and of the actual exchanges you had with them.

Yours faithfully,



Georges Tsolos  
Vice-President



Benoit Bams  
President



Maria Aguilera  
President