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To: Raúl Medina Caballero, Director General

Date: 23/03/2023

Copies: Sabrina Depicker, Head of HRS and Massimo Bernacconi, President of CSC

**Subject: Social Dialogue / Admin Reform & consequences**

Brussels, 20.3.23

Dear Sir,

The Agency's Human Resources department sent the new rules of application (RoAs) to the Staff Committee for approval according to the amended Staff Regulations and published in Office Notice 14/22 of 9 December 2022 in order to have them applied.

We would like to draw your attention once again to points of the utmost importance, which prevent the application of these new Staff Regulations, and consequently of the new RoAs communicated by the administration.

As it stands, these new texts, pompously declared to be a “reform of the Staff Regulations”, are not applicable.

Since the meeting of 17 June 2022 between the Director General and the HR services on the one hand, and the three representative unions on the other, there has been no further consultation on the "reform of the Staff Regulations". The then Director General, Mr Eamonn Brennan, put an end to all consultation and forwarded his project to the Provisional Council for adoption in violation of its conciliation obligations (Agenda and Final Report of 17 June 2022).

The conciliation and arbitration procedures were not followed by the administration and particularly not by the Director General, Mr Eamonn Brennan. These procedures are nevertheless provided for in the Memorandum of Understanding between the Agency and the three representative unions (letter from the three unions of 13 October, 2022).

We have alerted the Agency's supervisory bodies to these serious abuses and irregularities, and have expressly pointed out the lack of compliance with the procedures for approving this new Administrative Reform. These violations do not allow its application (letters of 17 October 2022, 26 October 2022, 23 November 2022, and 1 December 2022).

Our requests were never taken into account, either by the Director General or by the Head of Human Resources and Services (H-HRS) who was in charge of all the operations to modify the Staff Regulations. This was in violation of the applicable rules because it is with the Director General that we must consult, certainly not with the Head of Human Resources or her subordinates in the Rules & Regulations service, as has been imposed on us, and who rarely respect the rules in place.

It should also be specified that in an attempt to give an appearance of legality to the actions of the Head of Human Resources, Mr Eamonn Brennan gave her a very general and illegal delegation of powers (she can even sub-delegate!) because he could not delegate general powers (Article 100 of the Staff Regulations), and certainly not consultation with the unions.

This is unacceptable: there is not and there cannot be a Director General No 2 in the Agency! We alerted the Permanent Commission and the Provisional Council to this situation, without effect to date (letter of 8 December 2022).

It is now clear that this “reform” has been pushed through illegally: after the new Administrative Statute, the administration claims to publish and apply the new rules of application.

The Rules & Regulations service sends RoAs Nos 2, 4, 29 and 29a which they claim satisfy the visa procedure when in fact the real goal is to present the staff and their representatives with a fait accompli.

We cannot accept this, and the Staff Committee has reiterated its opposition to these practices (email from the Chairman of the Central Staff Committee of 15 March 2023).

Consequently, we ask you urgently to suspend the reform and to meet us without delay in order to implement a real consultation on the projects to modify the Administrative Statute and the rules of application.

Failing this, we will have no choice but to maintain our position: refusing to apply these texts which were adopted illegally in violation of all the obligations of consultation and conciliation, and of the procedures for adoption by the Provisional Council and the Permanent Commission; and we will take legal action in order to enforce the rights of staff and their representatives.

In our concern for the interests of the staff and the Agency, we did not want it to come to this, but without the opening of new consultations, we and the staff will have no other choice than to enforce our rights together by legal means.

We would like to believe that it is still possible to work together in the interests of the Agency.

Yours sincerely,



Georges Tsolos  
Vice-President



Benoit Bams  
President



Maria Aguilera  
President