



Sent by email

To: Eamonn Brenann, Director General
Cc: Sabrina Depicker, Head of Human Resources and Services
Date: 26/10/2022

Your reference: letter DGD22-0366 dated 18/10/2022

Subject: Approval by correspondence procedure in Administrative Reform package

Dear Sir,

Your letter of 18/10/2022 in reply to our letter of 17/10/2022 calls for the following observations on our part, as it does not provide the necessary elements to conclude that the proposals for amendments to the Staff Regulations/GCE proposed by the Director General to the Provisional Council and the Permanent Commission were adopted in accordance with the rules in force (amended convention, rules of procedure of the Permanent Commission, rules of procedure of the Provisional Council):

1. On the documents submitted to the Provisional Council and the Permanent Commission:

It is surprising that the Director General proposed to the Permanent Commission to approve by correspondence "a draft" of the Staff Regulations. At the last meeting on the subject, it was indicated that the set of statutory amendments under discussion would constitute the new Staff Regulations.

We asked you to provide us with this "draft" and all the documents that have been transmitted to the Provisional Council and the Permanent Commission for approval by correspondence so that we could verify their content.

2. On the non-conformity of the procedure followed:

Article 8.1 of the Rules of Procedure of the Permanent Commission provides for correspondence voting: "the Director General may make proposals to the Permanent Commission but after consulting the President of the Provisional Council". Therefore, it is clear that the Director General cannot address the Commission at the same time as the Provisional Council for correspondence voting. The Director General has to wait for the result of the consultation with the President of the Provisional Council.

Article 3.1 of the Rules of Procedure of the Provisional Council states: "the Council shall meet to advise the Permanent Commission on proposals emanating from the Agency and to prepare any action to be taken by the Permanent Commission". This applies to proposals for amendments to the Staff Regulations by the Director General. But the Director General did not respect the procedure and did not consult the Provisional Council beforehand.

By proceeding in violation of his obligations, the Director General has distorted the ballot because the Provisional Council was not consulted beforehand, and the Provisional Council did not have the opportunity to provide the Permanent Commission with useful advice.

3. On the inadequate correspondence voting procedure:

Although provision is made for a correspondence voting (Article 8.3 of the Commission's Rules of Procedure and Article 7 of the Council's Rules of Procedure), it can only be used for routine matters, but not to amend the Staff Regulations, or for urgent matters, but not to amend the Staff Regulations.
This inappropriate correspondence voting procedure is illegal.

4. On the vote by the 2 bodies:

In your letter of 18 October 2022, you state that these 2 bodies voted positively on the draft reform.
We therefore ask you to provide us with the details of the vote by voting member in order to be able to verify the results (majority, unanimity and weighting).

This is true for both the Provisional Council and the Permanent Commission; and it is understood that the 2 votes were requested at the same time without consulting the President of the Provisional Council and without the Provisional Council having been able to the Permanent Commission with useful advise.

5. Report, minutes and decision:

The Provisional Council shall submit to the Permanent Commission for approval all measures to be taken for the execution of the tasks mentioned in the amended Convention. We request a copy of the report that the Provisional Council submitted to the Permanent Commission on this item.

Under Articles 10 and 11 of the Permanent Commission's Rules of Procedure, the Permanent Commission must draw up minutes of its deliberations and detail its decision. We request a copy of the minutes and the decision of the Permanent Commission.

We look forward to:

- receive from you all the elements and documents related to the process of the announced adoption of the modifications of the Staff Regulations of the Agency;
- proceed in accordance with the applicable rules.

We ask you to suspend the implementation of the reform.

Yours faithfully,



Georges Tsolos
Vice-President



Benoit Bams
President



Maria Aguilera
President