

AGREEMENT
BETWEEN THE EUROPEAN EXTERNAL ACTION SERVICE (EEAS) AND THE TRADE
UNIONS OR STAFF ASSOCIATIONS ("FRAMEWORK AGREEMENT")

The European External Action Service represented by Catherine ASHTON, High Representative (HR)
of the Union for foreign affairs and security policy

Of the one part,
AND:

The trade unions or staff associations (TUSA's) listed below

Of the other part

"NEAR" represented by MAURIZIO CALDARONE

"PLUS" represented by Maria Teresa Palma

"US" represented by NIELS BRÄCKE

Having regard to Articles 9(3), 10a, 10b, 10c, 24b of the Staff Regulation of Officials of the European
Union;

Having regard to Articles 11, 54 and 81 of the Conditions of Employment of Other Servants of the
European Union;

HAVE AGREED ON THE FOLLOWING:

Section I – Principles; recognition and representativeness of trade unions or staff associations

Article 1 (Principles)

1. The signatory parties to this Agreement confirm their attachment to the rights deriving from Article 24b of the Staff Regulations of Officials of the European Union. Membership of a trade union or staff association, participation in trade union activity or the exercise of a trade union mandate may not be prejudicial, in any form or manner whatsoever, to the professional situation or career advancement of those concerned, nor be grounds for their transfer.
2. The rights and duties stemming from this Agreement can only be granted to trade unions or staff associations which fulfill either the criteria of recognition or of representativeness as laid down in Articles 3 and 4, following the verification provided for in Article 5.
3. The trade unions or staff associations shall act in the general interest of the staff without prejudice to the powers conferred on the staff committee by the Staff Regulations.

Article 2 (Accession of Trade Unions to the Agreement)

1. Any request from a Trade Union or from a staff association to join this Agreement shall be addressed to the Appointing Authority, who shall forward it to the various signatory parties. It must contain the supporting documents required to assess whether the TUSA fulfils the criteria laid down in Article 3(1). Compliance with the criteria laid down in Article 3(1) shall be verified by the Appointing Authority (AA) within two months.
2. As soon as the AA establishes that all the criteria laid down in Article 3 are fulfilled, the TUSA in question shall join the Agreement and be granted "recognized TUSA" status. If TUSAs do not fulfill the criteria, they cannot join the Agreement.

Article 3 (Recognition of trade unions or staff associations)

1. Trade unions or staff associations shall be recognized if they prove that:
 - (a) they have been properly constituted and submit their constituent instrument as a trade unions or staff associations as well as a copy of the official publication of their statutes;
 - (b) their statutory aim is the defence of the interests of all members of staff of the EEAS, irrespective in particular of function group, nationality or contractual status;
 - (c) they exercise their activities in accordance with statutes laid down by their general meeting or consultation of members and through executive bodies elected in a transparent manner at least every three years, and hold regular meetings and/or consultations with their members;

The Appointing Authority shall verify if the TU's or staff associations meet these requirements.

2. Recognized TUSA's may use the translation, reproduction, dissemination and communication resources of the EEAS. On request, the EEAS shall provide each TUSA with a home page on its intranet site.

Article 4
(Representativeness of TUSAs)

Representativeness of TUSAs

1. Recognized trade unions and staff associations may act alone or form groupings of recognized trade unions and staff associations. A grouping is defined as an organizational structure of a federal, confederal or other nature, governed by an official agreement notified to the EEAS before the elections of the Staff Committee, recognized trade unions or staff associations in the places of employment. The term "organization" shall be used in this Agreement to refer to a trade union or to a grouping thereof.
2. The EEAS shall recognise as representative within the EEAS the recognized organizations which meet the following criteria

- ◇ They have, within the institution, at least **140** members entitled to vote and stand as candidates in Staff Committee elections if they act alone
- ◇ They have, within the institution, at least **280** members entitled to vote and stand as candidates in Staff Committee elections if they act in form of groupings as defined in §1

Former officials and other agents whose last assignment was at the EEAS may also be taken into account up to a maximum of **50 members**.

Organizations shall give evidence that **the average contribution of € 12 per year and per member** has been paid in order for them to have the resources required to function autonomously. Proof of the payment will be verified by an independent body as scheduled in Article 5.

- ◇ They represent in percentage of cumulated votes
 - ⌘ at least **12% of staff** at the **EEAS** Staff Committee elections if they act in form of groupings as defined in §1
 - ⌘ at least **6% of staff** at the **EEAS** Staff Committee elections if they act alone

3. TUSAs which fulfil the above criteria shall be regarded as "representative TUSAs".

Article 5
(Verification of certain criteria relating to representativeness of TUSAs)

1. The number of members of TUSAs shall be notified by means of a sworn statement by the President of each TUSA to an independent body chosen by mutual agreement; this statement shall specify the number of members who are officials or other servants of the EEAS, and the number who are former officials or other servants of the EEAS entitled to a Community pension. This body shall, after verification, inform the relevant TUSAs and the AA of whether the TUSAs:
 - meet the criteria laid down in Article 4(2);
 - reach the threshold of membership referred to in Article 4(2), first indent.

That body shall not divulge any information obtained as part of this verification process; it shall answer only the questions listed above and establish the relative weight of each of the representative TUSAs for the purposes of the Annex to this Agreement.

Within 6 months after this Agreement will have been signed, the verification by an independent body of criteria relating to representativeness of EEAS TUSAS shall start

2. With a view to verification, TUSAs must provide the independent body referred to in paragraph 1 of this Article with the following information:
 - a copy of the organization's statutes and provisions relating to payment of membership contributions;
 - evidence that its members have paid their contributions;
 - a list of their members employed by the EEAS, specifying their nationality, duties and function group, and a list of the former officials or other servants of the EEAS entitled to a Community pension.

The Appointing Authority shall provide to the independent body the most recent election results of the Staff Committee as produced by the returning board.

3. The sworn statement shall be forwarded and verification performed every three years and in the case of any TUSA wishing to join the Agreement.

Extraordinary verification of an TUSA's compliance with the threshold referred to in Article 4(2) may be performed at any time at the request of a recognized TUSA and concerning that TUSA.

Article 6 *(Suspension of an TUSA)*

1. Any TUSA which does not reach the threshold referred to in Article 4(2) will be given notice by the HR/VP to comply with that criterion within a maximum of two months, failing which its rights as a representative TUSA deriving from this Agreement shall be suspended. However, an TUSA already regarded as representative which is found not to meet that threshold further to verification shall not have its rights suspended if the shortfall is less than 20 members. In such a case, the TUSA concerned shall undergo mandatory extraordinary verification within a period of one year.
2. However, its rights shall be restored immediately on verification that the relevant criteria are again fulfilled.
3. The Administration shall notify the other signatory representative organizations accordingly.

Section II – Negotiation

Article 7 *(Agreements)*

The signatory representative TUSAs and the EEAS may conclude agreements under the conditions set out in Article 10c of the Staff Regulations through conciliation, within the framework defined below.

Article 8 *(Negotiations and scope of social dialogue)*

1. The negotiation procedure shall be initiated between the representative organizations or groupings and the Appointing Authority at the request of one of them; without prejudice to the statutory powers of the Staff Committee, the procedure shall relate to any matter of general interest specifically concerning the staff of the EEAS and in particular may be held in connection with new rules and decisions or amendments to existing rules and decisions concerning implementation of the Staff Regulations of Officials or the Conditions of Employment of Other Servants, i.e. with the exception of:
 - matters concerning the staff of all the institutions, and in particular matters concerning amendments to the Staff Regulations, including remuneration;
 - individual cases.

In accordance with Article 10c of the Staff Regulations, agreements concluded further to negotiations may not entail amendment of the Staff Regulations or any budgetary commitments, nor may they affect the working of the institution concerned.

There shall be no negotiation on the implementation of existing rules and decisions. Such matters fall solely within the competence of the Staff Committee (with the exception of those discussed at social dialogue meetings), which can use the normal procedures for negotiations with the Administration.

However, where there is major disagreement¹ following a decision implementing existing rules, negotiation may take place at the technical and/or political level once all the normal procedures for negotiations with the Administration have been exhausted.

2. The purpose of the procedure shall be to establish, in an objective manner, the positions of the parties in order, if possible, to reach common conclusions within a reasonable period of time.
3. If common conclusions are reached, they shall be implemented by the competent authority in accordance with Article 11.

Article 9: Negotiation bodies

Negotiation shall take place in a negotiation body made up of a maximum of 15 members of the signatory representative organizations distributed on the basis of their respective representativeness .

Article 10

(Negotiation procedure, administrative and political level, conciliation meeting)

1. Any request to initiate the negotiation procedure shall be forwarded, with a description of its purpose:
 - to the HR where it originates from one or more representative TUSAs;
 - to the executive bodies of those organizations where it originates from the EEAS .

¹ If the Staff Committee when consulted on the implementing rules, expressed its disagreement on political issues

2. Each phase of negotiation shall give rise to a document specifying the terms of the agreement reached or, if there is no such agreement, making clear the positions of the parties. This document shall be drawn up by mutual agreement of the representatives of the parties and signed by them.
3. An agreement shall be deemed to exist in the presence of the consent of the Appointing Authority and the signatory, representative organizations which represent **a minimum of 55%** of the representative votes at the EEAS staff committee elections as expressed in Article 4(2).
4. ADMINISTRATIVE LEVEL . The first phase of the negotiation procedure shall take place at the level of the Human Resources Directorate of the EEAS. The first meeting shall take place within three weeks of the date on which the request for negotiation is received.
5. If at the end of the first phase where no agreement has been reached and no request for opening a second phase of negotiation has been sent within 10 working days after the document referred in §2 has been sent to all parties, the negotiation procedure is deemed closed.
6. POLITICAL LEVEL . If necessary, at the request the signatory, representative organizations **which represent a minimum of 20%** of the representative votes at the EEAS staff committee elections as expressed in Article 4(2) or of the Appointing Authority, negotiations shall continue in a second phase at the political level of **the Chief Operating Officer and/or the Executive Secretary General**. If no agreement has been reached during the second phase the negotiation procedure is deemed closed. The document referred to in the paragraph 2 shall be brought to the attention of all the staff of the EEAS by the Chief Operating Officer and/or the Secretary General..
7. CONCILIATION MEETING: In the event of persistent disagreement at political level, at the request of the Executive Secretary General and/or **the Chief Operating Officer** , or the signatory representative TUSAs **which represent a minimum of 35%** of the representative votes at the EEAS staff committee elections as expressed in Article 4(2), a conciliation meeting made up of a maximum 10 members of the signatory representative organizations distributed on the basis of their respective representativeness shall take place at the level of the High Representative.

Article 11

(Follow-up to the negotiation procedure)

At the close of the negotiation procedure, if an agreement has been reached, the Appointing Authority shall take the implementing decisions required pursuant to that agreement; if no agreement has been reached, the competent authority shall take any decisions it may deem appropriate. The above decisions shall be brought to the attention of staff.

Section III – Facilities and resources made available to TUSAs

Article 12

(General meetings)

General meetings of staff may be convened by the representative TUSAs on condition that the TUSAs give the competent authority at least two working days' notice. Staff attendance of these meetings shall be such that the proper functioning of their respective services is maintained in their absence.

Article 13

(Persons responsible for the TUSAs)

1. The duties assumed by the persons responsible for TUSAs within the framework of the application of this Agreement shall be deemed to be part of the services which they are required to render within the institution.
2. Those involved shall give notice to their hierarchical superior in good time so that the effect of their involvement in these activities on the proper functioning of the administrative unit to which they belong is kept to a minimum.

Article 14

(Resources made available to representative TUSAs)

1. For the purposes of the activities referred to in Section II of this Agreement, and in addition to Article 3§2, representative TUSAs or groupings shall also benefit from certain resources made available in accordance with the Annex to this Agreement.
2. Representative TUSAs or groupings may hold their meetings outside working hours, on the premises of the institution subject to availability of such premises.
3. Within limits and in accordance with arrangements to be agreed by the EEAS administration and the TUSAs:
 - persons responsible for representative TUSAs or their duly mandated delegates shall be granted special leave of not more than four days a year to enable them to take part in trade union meetings or congresses outside the institution;
 - special leave for training purposes may be granted for trade union courses under the same conditions as for staff training, at the request of the TUSA to which the person concerned belongs.
4. The Administration may authorize the representative organizations to send emails from their internal functional inbox to all EEAS staff. These emails shall be limited to 30 per year and per representative organization and shall contain preferably intranet or internet weblinks, rather than texts in order to limit their sizes and avoid blocking the EEAS mailboxes.

Section IV – Work stoppages

Article 15: Concerted work stoppages

In the event of a labour dispute, concerted work stoppages may only be decided on by one or more signatory representative organizations and only -after all the means of social dialogue have been exhausted and after the staff concerned have been consulted or informed in a transparent way, save in exceptional circumstances.

Article 16: Prior notice

The signatory representative organizations involved shall serve notice of any concerted work stoppages.

Article 17: Period of notice

This notice shall be served five working days before the planned start of the strike.

In exceptional circumstances, strike notice may be given up to fifteen days in advance without indicating the planned start of the strike, it being understood that the Administration shall always be warned at least three working days before the actual start of the strike, so that it can take the measures laid down in Articles 20 and 21.

Participation in a strike which does not meet the aforementioned notice requirements shall be considered as an irregular absence.

Article 18: Content of notice

The strike notice shall state the reasons for the concerted work stoppage and the form it is to take. If there is to be a series of stoppages, the timetable shall be notified to the Administration. Any change to this timetable shall require a new strike notice of at least 24 hours.

Article 19: Use of period of notice

The period of strike notice shall be used by both parties to negotiate a settlement of the dispute at the appropriate level.

Article 20: Negotiation concerning the list of staff required to remain at their posts

Once the strike notice has been served on the Administration, the Administration shall draw up a list of staff required to perform their duties negotiation shall commence between the EEAS representatives and the organization(s) calling the concerted work stoppage with a view to establishing the list of jobs whose holders must remain at their posts. This restricted list shall be communicated to all staff.

Article 21: Jobs whose holders may be required to remain at their posts

Jobs whose holders may be required to remain at their posts shall include those involving responsibility for the safety of persons and property and those on the restricted list decided on in the negotiation proceedings referred to in Article 20.

Article 22: Freedom of action for staff choosing to strike

Staff choosing to strike shall be free to do so without let or hindrance.

Article 23: Freedom to work for staff choosing not to strike

During the concerted work stoppage, staff choosing not to strike shall be free to do so without let or hindrance.

Staff choosing not to strike shall have free access to their place of work.

Article 24: Non-payment of strike days

The EEAS considers that it has sole responsibility for non-payment for days on strike.

Article 25: Return to work

The arrangements for returning to work shall be the subject of negotiation between the EEAS and the signatory representative organization(s) involved in the dispute.

Section V – Final provisions

Article 26

(Review and termination)

This Agreement is concluded for an indefinite period.

It may be reviewed at the request of any of the contracting acceding parties.

It may be terminated by any of the contracting parties subject to six months' notice.

Article 27

(Transitional and final provisions)

Recognized organizations shall have a transitional period of 3 years to reach the member representativeness thresholds laid down in Article 4 (2).

At the beginning of this period, when the first verification by an independent body is performed as foreseen in Article 5, the number of members for the purposes of Article 4(2) **must be no less than 70 for a single organization, 140 for a grouping. It must reach 140 or 280 by the end of the transitional period.**

A similar transitional period may be granted at its request, to any new TUSA wishing to be given representative status.

In order to take account of staffing trends within the EEAS, the thresholds set out in paragraph 1 of this Article and Article 4 may after a period of three years from the date on which they come into force, be reviewed by means of the negotiation procedure referred to in Section II of this Agreement.

The first verification of the criteria relating to recognition and representativeness pursuant to Article 5 shall take place within 6 months of the signing of this Agreement.

Done at Brussels,

For the TUSAs,

"NEAR" represented by

- SFE : MR FERDINAND KOPP

F. Kopp

- BS: MR MAURIZIO CALDARONE

M. Caldaroni

- R&D: MME LAURA DI ROSA

L. Di Rosa

USHU: Brunhilde THELEN

B. Thelen

"PLUS" represented by MME MARIA TERESA PALMA

M. Palma

"US" represented by NIELS BRACKE

N. Bracke

For the EEAS,

on behalf of C. Ashton, HR

D. O'Sullivan
(signed) DAVID O'SULLIVAN

17 FEB. 2012

Arrangements relating to the provision of resources for representative TUSAs within the meaning of Article 4 of the Agreement

1. The total number of temporary secondments available to representative TUSAs is **4 full-time equivalents (FTEs)**. Distribution of these temporary secondments among representative organizations shall be governed by the following rules:
 - Secondments shall be distributed in accordance with each TUSA's criteria of representativeness as set in Article 4(2).
 - Except where the number of TUSAs exceeds the number of secondments available, each representative TUSA shall be entitled, at its request, to at least **1** secondment.
 - Under no circumstances may a single representative TUSA be allocated more than **1.5** secondments.
2. Representative TUSAs shall have secretarial back-up. The total number of assignments for this purpose shall be **2.5 FTEs contract agents for all representative TUSAs**. These assignments shall be distributed in accordance with the representativeness criteria of each of the TUSAs concerned as set out in Article 4(2).

At the end of this secondment, the official(s) or other servant(s) of the EEAS will either come back to his/her/their service of origin, or pursuant to Article 7§1 of the Staff Regulations, the Appointing Authority will assist him/her/them in finding an adequate post.

The current distribution of secondments and secretarial back up has been agreed between the parties on 16th December 2011 in the attached table.

3. The provisions of the first and second paragraphs shall be implemented by means of a Decision of the Appointing Authority
4. Each full-time seconded staff member shall be provided with an office² with "standard" equipment and with a mobile telephone. Full-time seconded staff members shall not be entitled to keep an office in the seconding department. However on the expiry of a secondment, the Administration will aim at offering the seconded staff member a vacant post corresponding to his/her abilities.
5. Each representative TUSA shall be provided with an office with "standard" equipment (furniture, telephone, computer and printer) for its secretariat and archives.
6. A multipurpose area shall be made available for the collective use of representative TUSAs; arrangements for its use shall be agreed by these representative TUSAs.
7. To take account of staffing trends within the EEAS, the above provisions may, after a period of 3 years from the date of their entry into force, be reviewed by means of the negotiation procedure referred to in Articles 8, 8a, 9 and 10 of the Agreement.

² The surface area of a standard office may be modified at any time in accordance with the space available and the buildings policy of the EEAS.

	<i>NEAR</i>	<i>US</i>	<i>PLUS</i>	<i>TOTAL</i>
<i>Seconded staff (in Full Time Equivalent)</i>	<i>1.5 FTE</i>	<i>1.5 FTE</i>	<i>1FTE</i>	<i>4</i>
<i>Secretariat support contract agents</i>	<i>1</i>	<i>1</i>	<i>0.5</i>	<i>2.5</i>
<i>Nota Bene: TUs will be consulted for the granting of secretariat support.</i>				<u><i>6.5</i></u>

JA