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Annex X / Staff Regulations

Net deterioration in working conditions of all Expatriate staff in Delegations & Offices

GRIM for AD Officials & manifestly UNFAIR for lower grade AST & Contract Agents!

After a careful analysis of the new Staff Regulations, the CLP-HU strongly reiterates its concern with the current reform of the Staff Regulations and particularly with the disproportionate and unbalanced impact that the modifications to Annex X imply for expatriates (Officials, Temporary Agents, and Contract Agents) posted in Delegations.

In consultations at HQ the CLP HU has **repeatedly aimed to transmit the genuine concerns and queries of expatriate staff**. The CLP HU once again emphasizes its firm belief that the global package of the Staff Regulations has been agreed upon at the expense of those staff members who work **outside the EU**, staff far from HQ and easy to attack as they are dispersed in over more than 140 Delegations worldwide.

For lower-grade AST Officials in Delegations, and Contract Agents on indefinite contracts and permanently posted to Delegations (CAs type 3a) the impact of changes to Annex X are disproportionate and unfair. Whilst a CA 3a category II with three dependant family members working as an assistant to a Head of

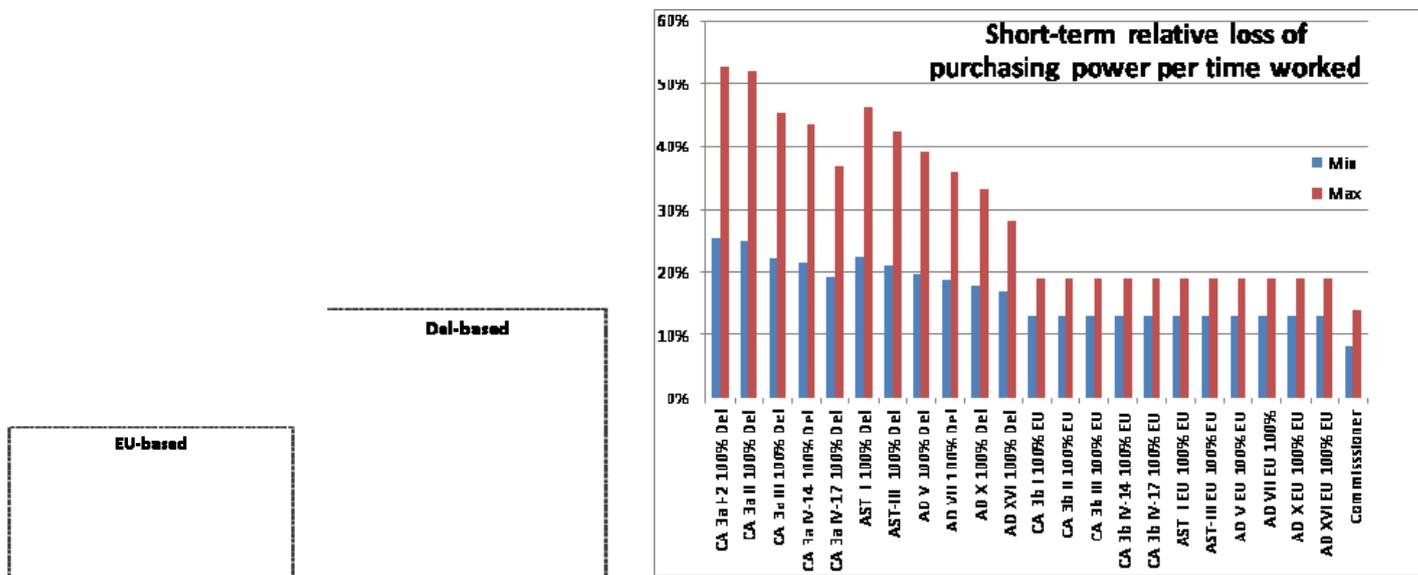
Delegation in a country 12,000 km from the EU could lose more than **50% of his/her purchasing power per time worked by 2015 and up to 65% in 10 years**, a top Official (AD X and above) posted in the EU would lose at most 15% in the short-term and maximum 30% in ten years in a high-inflation scenario.

Paradoxically, it is not CAs nor low-level AST salaries and entitlements that cause public dismay or are considered no longer "defensible to the European taxpayer" yet these same staff are the ones who will **suffer most**

EU Statespersons have complained about the excessive number of high-level Officials and the knee-jerk reaction from the Commission is to apply "**smart savings**" that will affect the weakest most and do little to address Member State concerns. The reform will fail to encourage quality applications to Delegations. The reform will render jobs less attractive to individuals/ women/ families and will attack the lower and more vulnerable staff categories - all essential **for the correct functioning & business continuity in Delegations**.

CAs 3a in Delegations will suffer the largest relative reduction of their purchasing power per time worked:

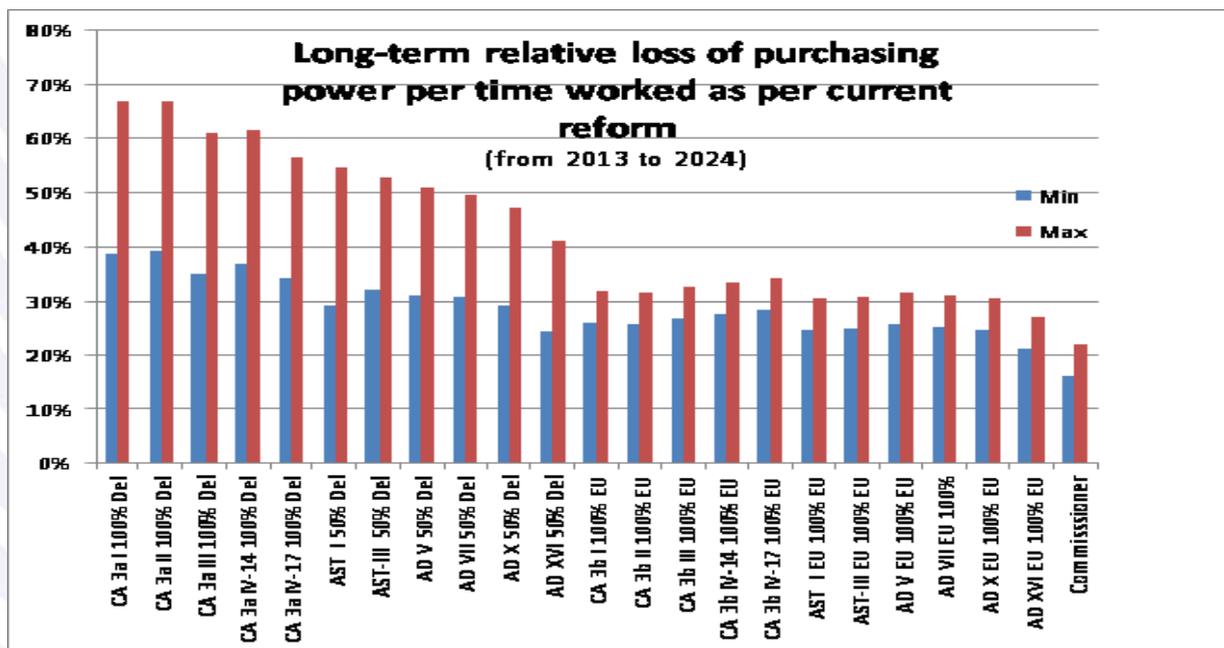
Cumulatively CAs 3a will suffer the greatest worsening of their working conditions as compared to any other staff category in some cases (namely CAs 3a Cat II) reaching a loss of purchasing power of between 20% to up to 50% by 2015 per unit of time working whilst Officials working in the EU would loose between 13% and maximum 19%;



CAs 3a in Delegations will be hurt with an even larger relative reduction of their purchasing power per time worked over the next ten years:

CA 3a will be penalized more heavily by the reform because they are currently obliged to spend their whole careers in third countries – there is neither structured mobility nor temporary mobility to Headquarters despite the legal basis which exists since October 2010.

CAs therefore **live permanently under the conditions set out by Annex X** which is a major element of their working conditions. The denaturing of Annex X is that of their working and living conditions. Whilst CAs 3a will loose between 26% and up to 66% of purchasing power, Commissioners will loose between 8% and 14% and top AD Officials between 13% and 19%.



The reform contradicts the original justification for CAs 3a having lower basic salaries: No-one denies that CAs were created as a cheaper alternative to Officials. CAs are already a savings-response and further reducing their working conditions is incoherent with the integrity of the EU civil service.

This reform also exposes the inequality of treatment between CAs 3a (working in Delegations) vis-à-vis the CAs 3b (working at HQ). In the framework of the 'Kinnock' reform of 2004, CAs 3a were to be artificially recruited on a salary scale on average two full grades lower than those recruited in Brussels (mainly CAs 3b) with equivalent experience (this corresponds roughly to Euro 1,000 per month base salary less for CA 3a) and no Entry grade at 15 permitted. In 2004, when Trade Unions raised this issue of inequality of treatment between CAs 3a & CAs 3b, the COMM argued that this was justified because CAs 3a would benefit from entitlements under Annex X : a higher number of annual leave days (42 instead of 24 days), an annual travel allowance calculated on a business class fare and the potential of an indefinite contract – whatever happened to the "**same job, same pay**" ethic?

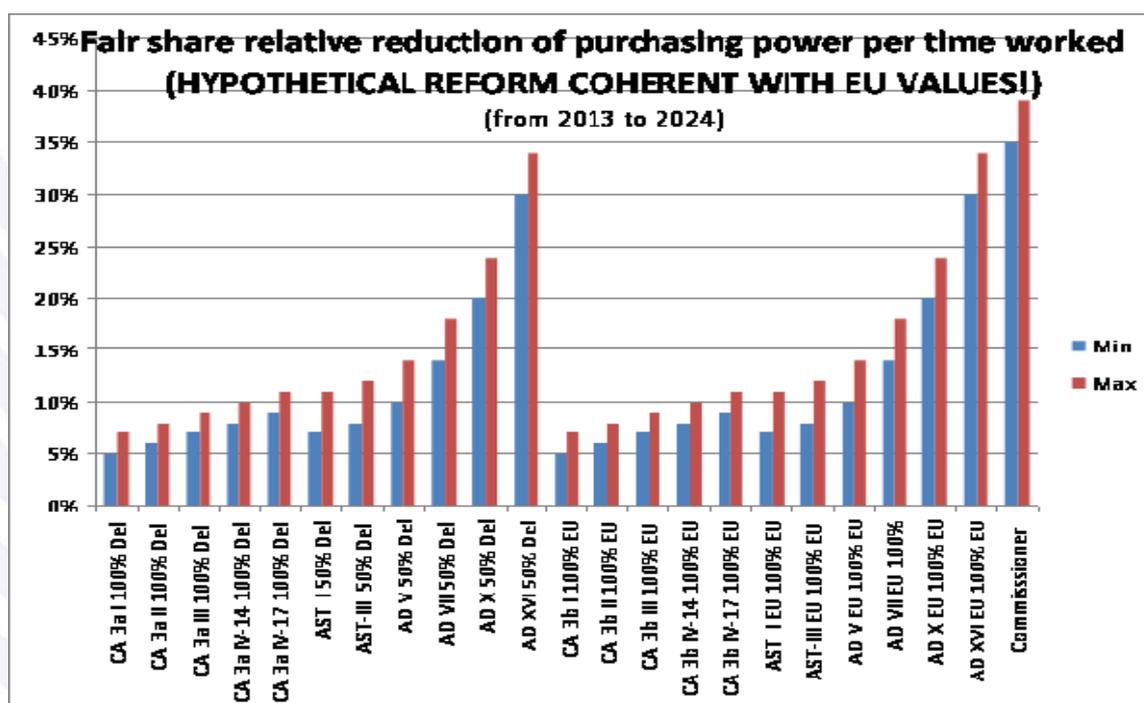
With the reform of Annex X, the previous justifications for paying CAs 3a a lower salary than CAs 3b with the same work experience are no longer tenable – the Commission should be aiming to encourage experienced CAs in Delegations to stay, not to leave when they find viable alternatives at HQ/elsewhere.

Legitimate expectations of staff

The extent of the regulatory modifications over CAs 3a in Delegations is such that they may be in a position to legally challenge the changes as a breach of contract based on their legitimate expectations.

Social Fairness

Any distribution of sacrifices among staff categories should clearly be anchored in social fairness - to lose 25% of a €4000 basic salary is quite different to 25% of a salary of €2,000 or above. Parliament, the Commission and the Council could meet the concerns of EU leaders and citizens concerning perceptions of excess in some EU Officials' working conditions and ensure a reform which establishes fairer conditions if they aimed to apply the model below:



THE CLP HU HEREWITH REQUESTS THE EUROPEAN ARLIAMENT/COUNCIL/COMM

To guarantee that any future regulatory modifications not only imply proportionally fair sacrifices but more over that they do not imply leading staff to situations of either social exclusion or breach of legitimate expectations.

That women, families and lower-grade staff are not hit hardest by this reform.

For all Expatriates: Officials/Temporary Agents/Contract Agents:

- To ensure at least 2 leave days compensatory annual/home leave for every 5% in difficulty of living conditions (ICV);
- To provide compensatory annual/home leave proportional to **real** travelling time and time difference from the posting – try getting from East Timor and back in two days!

- To increase the allocation of rest-leave substantially for difficult postings (30% ICV & above);
- To ensure that the Annual leave travel allowance be no less than the equivalent of a "Premium Economy" category;
- To Promote the use of flexitime in Delegations to enable staff to better reconcile professional and private responsibilities and to allow a greater accumulation between months to enable Delegation staff to benefit realistically from requested days of recuperation

For Contract Agents / Type 3a in Delegations:

- To align basic salaries of CAs 3a and CAs 3b thus ensuring "same job, same pay";
- To establish a faster reclassification system for CAs 3a;
- To establish a 'certification procedure' to qualify as Officials in addition to the proposed extremely limited access to Internal Competitions foreseen;
- To extend the period of "Congé de Convenance Personnelle" (CCP) from one to five years.

THE CLP-HU AT YOUR SERVICE!



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