



Brussels, 13/06/2013
CLPHU (13) – HC-22

NOTE for the Attention of
DG Mr. FOTIADIS (DEVCO) & COO Mr. O'SULLIVAN (EEAS)

Subject: **Annex X - Proposed modifications**

The "Outside the EU" Section of the Central Staff Committee wishes to convey the following opinion with regard to proposed modifications to Annex X which will have a direct impact on all Commission staff serving in third countries:

Article 6 – Annual Leave

Currently officials are entitled to annual leave of three and a half working days per month.

The living conditions in Delegations are undeniably more difficult than those in the EU – this is manifest in the Livings Conditions allowances where percentages are allocated on the basis of a series of criteria comprising security, health, climate, isolation and other local conditions.

Currently only 6.8% of all EU Delegations (10/145) have an LCA of 0%.

All Delegations with an LCA of 10% and above must maintain supplementary annual leave given the impact of living conditions, isolation and cultural variations means that EU colleagues must be able to have extended holiday periods in order to ensure family reconciliation.

Given the legitimate legal expectations of colleagues already serving in Delegations who have accepted postings on the basis of current conditions, it is unacceptable to contemplate any reduction from 3.5 days even if we understand there is an EP proposal to reduce.

Commission Operational Profiles

With regard to Commission Staff in Delegations, the main DGs represented (DEVCO/TRADE/AGRI/SANCO/CLIMATE/FPI) require job descriptions and related tasks which are principally operational and very different in nature to those of political/diplomatic profiles and tasks.

Colleagues in DEVCO operational sections for example, are expected to carry out mandatory, regular monitoring missions to the field, travelling far from the Capital and exposing themselves to often precarious conditions (security, transport, health) in order to meet obligations.

In order to carry out such missions, colleagues frequently travel at exceptional hours such as very early in the morning, late at night and during weekends.

Article 9/ Par. 2 – Travelling Time

Despite the fact that living conditions are proven to be worse in EU Delegations, it should be noted that ALL colleagues in Delegations are awarded two (2) days, a third of the total maximum travelling time , six (6) days within the EU , irrespective of the distance from the place of origin/interest in the EU. Delegation colleagues therefore already have less favorable conditions in relation to travelling time.

Article 8, 9, 20 – Rest Leave

Regrettably the EEAS has unilaterally reduced rest leave in countries with 11 points and above which has resulted in a 1/3 reduction for countries concerned from three periods of rest leave to a maximum of two.

This disposition which is also applicable to dependents has a considerable impact on families, who accompany jobholders in family postings.

Article 10 – Living Conditions

Regrettably the EEAS has unilaterally declared that for certain countries (13) the Living Conditions can be deemed as normally "equivalent to the EU" – we do not accept this approach especially as no specific objective criteria have been established to define exactly what "equivalent to the EU" means in practice.

Articles 2, 3 / Mobility Procedures

It is imperative that a mobility procedure be implemented for Contract Agents and Temporary Agents as per Annex X. The legal basis for such mobility was approved in the amendments to the Staff Regulations of October 2010 and must be enacted to ensure that there are transfers/assignments in the interest of the service.

Failure to introduce such a mobility system, in particular for Contract Agents in non-EU countries could lead to situations where they are no longer covered by the Vienna Convention – a situation which would be untenable for an EU employee serving outside the EU.

Article 5/23 – Accommodation

Accommodation is a crucial social aspect which invariably impacts on professional performance; the Institution must maintain a housing policy which enables staff to live safely and appropriately in countries outside the EU.

There is a proposal on the table for a new Housing Policy and the principal argument employed by the EEAS to switch priority from art 5 to art 23 is the need to reduce the workload for the Admin sections of the Delegation. It is thus clear that administrative concerns prevail over the well-being of staff in Delegations and that the zeal to achieve savings will result have a negative impact on the service.

Under this new approach, a newly arrived Official/TA/CA would be responsible for finding accommodation; s/he would need considerable time for this exercise, which would clearly mean extensive absence from the office, leading to considerable difficulties for the service and delays in being fully operational.

Furthermore, the official/TA/CA must sign the lease himself, and is thus potentially confronted by any legal disputes with the landlord (guarantee, repairs, painting, etc.) aspects which can be extremely difficult and time-consuming to follow up, especially on termination of a posting and after s/he has left the country.

There are several concerns regarding the removal of furniture and eventual storage costs.

Annual Travel Costs/Annex VII – arts 7, 8

The proposal to apply a method based on the equivalent of an IATA direct routing in Economic class instead of the current Business class will once again result in a net reduction in global and financial benefits.

It is worth noting that for certain Delegations travel to/from the place of origin requires long-haul flights in excess of 20 hours.

"Outside the EU" Section - GLOBAL POSITION

It would be short-sighted and detrimental to consider any of the above modifications to Annex X in isolation.

The Commission currently has over 3500 staff in 145 EU Delegations worldwide, the only EU Public Administration with such a strong presence and extensive geographic coverage given the mandate of its activities – UN permanent representatives are only present in a limited number of these countries.

Annex X is a package of special and exceptional provisions which is provided to staff serving in third countries which aims to attract civil servants / specialists and to ensure that accepting a post in a Delegation is economically viable.

Staff working in Delegations are almost always the unique income generator and in the main, diplomatic status does not allow spouses/partners to take up gainful employment. Furthermore where this is permitted, it is difficult/impossible to find adequately remunerated work for spouses/partners in third countries.

Whereas Member States provide indemnities/jobs within embassies for spouses, the Commission has no policy whatsoever for indemnifying accompanying spouses – this is even the case for spouses who are normally employed by the Institution (officials, temporary Agents, Contract Agents).

The progressive erosion of Annex X will lead to a non-compliance with Article 1 of the Staff Regulations which ensures equal treatment and equal opportunities for all. Proposed measures will clearly render postings in Delegations less attractive to staff in general and most certainly to married couples/partnerships and families. There will be increased difficulties in filling posts with suitably qualified staff and discrimination towards families.

We are strongly against any measures which will lead to a deterioration in the global package enshrined in Annex X and we ask both the Commission and the External Action Service to engage urgently in dialogue with both elected staff committees on this matter of extreme concern.

Helen CONEFREY
President CLP HU



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