

EUROPEAN EXTERNAL ACTION SERVICE



**Administration and Finance
Managing Director**

24. 10. 2013

Brussels,
EEAS.MDR

NOTE TO ALL HEADS OF DELEGATION

Subject: Implementation of changes in Annex X of the Staff regulations

I would like to update you on the latest developments regarding the revision of the implementing provisions for the new Staff Regulations, and in particular Annex X. As you know, all statutory staff in delegations, with the exception of local agents¹, will be affected by these changes as of 1st January 2014 and I would like to make sure that staff is kept informed about progress on this file. We are currently involved, together with the Commission, in technical dialogues with Unions representatives.

Regarding Annex X provisions, the EEAS, in cooperation with the Commission, has now made a series of proposals that also represent improvements:

- The new draft General Implementing Provisions on annual travel no longer requires a proof of travel, thus avoiding hundreds of recoveries per year.
- The new draft rules on home leave foresee 2.5 or 3 travel days based on the distance to the place of posting, instead of 2 days today.
- The new draft rules on reimbursements include an exception clause which will allow us to consider cases that are not covered by the existing rules.
- The new draft rules on rest leave foresee the possibility to grant rest leave for postings with 30% living conditions allowance. The EEAS has also proposed to grant travel days for rest leave automatically, without proof of travel. This will not only simplify the rules but also lead to a de facto increase of rest days.

¹ None of the articles amended by the revision to the Staff Regulations apply to local agents in Delegations. In particular, the 40-42 hour week foreseen by the revised Staff Regulations does not apply to local agents who will continue to work the number of hours stipulated in their contracts.

Overall, the system under Annex X has preserved a majority of important benefits - with the notable exception of annual holidays - that still make for a very interesting expatriation package. In particular, the reimbursement of housing costs remains valid; the health insurance coverage is still very attractive, as well as the school allowances, the correction coefficients, the installation allowance and other benefits. Special attention will be paid to hardship posts.

Yet, I note that several contract agents in a number of delegations have started a "work to rule" movement in reaction to the revision of Annex X. Please feel free to use the content of this Note for your dialogue and communication with these staff members. Furthermore, I would like to highlight that we acknowledge the important contribution of contract agents in delegations' work and their valuable input and expertise

You might also want to draw their attention to the following aspects:

1. EEAS headquarters was aware from the beginning of the concerns expressed by Contract Agents further to the reform of the Staff Regulations, in particular the changes to Annex X about annual leave. A note by D. O'Sullivan and F. Fotiadis was addressed to all staff in delegations in August in order to explain the context and rationale of the reform. We are and remain open to regularly inform and update our staff, but it must be understood that this reform has now been adopted by the legislator.

2. We are currently working on the development of a fair and transparent mobility scheme for contract agents. This is a legitimate demand from contract agents. Our reflection includes the question of possible temporary postings at Headquarters, although the legal margin for manoeuvre is very limited in this area. We will also explore in due course all possibilities for inter-institutional mobility between the EEAS and the Commission. The new mobility scheme could become operational before the end of next year.

3. It is important to remember the obligations and duties of contract agents. Contract Agents in delegations are statutory staff subject to mostly the same obligations as officials, in particular the duty of loyalty towards the EU (article 11 Staff Regulations) and the obligation to fulfil the tasks that have been assigned to them (article 21 SR). Contract agents must be available for service including outside office hours (article 55 SR). Furthermore, Contract Agents are accredited as diplomatic staff of the EU, and have as such the duty to contribute to the protection of the interests, values and reputation of the EU.

In this context, we encourage all Heads of Delegation to engage in direct dialogue with contract agents in order to explain the Administration's position.

However, it is very important to ensure the proper functioning of all delegations in the interest of the service and avoid any detriment to the interest and reputation of the EU in the country or countries where you are accredited. Given the current difficult times for the Union and some of its Member States together with the growing global challenges for the EU, we must insist on the professionalism and dedication of all our staff in delegations.

The EEAS Human Resources Department is fully available to support you. In case of doubt or if you need any additional guidance, do not hesitate to contact the Director for Human Resources or the relevant Heads of Division.



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cc: D. O'Sullivan, P. Vimont, H. Schmid, M. Popowski , V. Isticioaia-Budura, N. Westcott, L-F Fernández de la Peña, H. Mingarelli, C. Leffler, M. Marinaki, B. Larsson, A. Vazquez Garrido, P. Llombart Cussac, D. Mellado, J. Pérez Vidal, P. Laurent, S. Huber (EEAS); F. Fotiadis, L. Bagur, E. Papaioannou (DEVCO); C. Danielsson, C. Cotter, W. Kowalski (ELARG); I. Souka, R. Carlini, R. Crestian, Irena Pastuszka-Valitutti (HR)