

Brussels, 10 April 2018

TAO-AFI WELCOMES THE COLLEGE DECISION ON UK PERSONNEL

On 28 March, Commissioner Oettinger announced a decision of the college concerning the employment status of UK personnel at the Commission post-Brexit in one year's time.

The College decided to commit not to use its discretionary power to require the compulsory resignation of UK officials once they cease to fulfil the condition of being a national of a Member State, except in duly justified cases of conflict of interests or by virtue of international obligations.

As regards temporary and contract agents, the possibility for the granting of duly justified derogations is also included, which is to be determined on case-by-case basis. However, the Commission commits that the relevant authorities charged with concluding such contracts avail themselves to this possibility in a "generous and transparent manner" whilst the assessment ought to be based on the "interests of the service". Mr Oettinger announced in parallel that the Commission advocates allowing for the possible continuity of current contracts until its maximum legal duration.

TAO-AFI, the Association of Independent Officials, applauds this decision insofar as it honours Commissioner's promise given to the UK personnel, as well as president Juncker's position since the early days that the rules in force (the Staff Regulations) shall *be read and applied in a European spirit*. We understand consequently the logical human sentiment of reassurance we have received from our UK colleagues, as this decision diminishes some of the uncertainty in their lives and nurtures their legitimate expectations as regards their future employment.

TAO-AFI would point out however that the situation of temporary and contract agents is particularly worrying. To re-cap the decision provides for derogations to be granted "in a generous and transparent" manner, according to the "interests of the service". **TAO-AFI** believes that this could be applied in a blanket manner to UK staff with permanent contracts, to reduce administrative burden since time is of the essence. However, we are

concerned about the possible emergence of an arbitrary landscape for agents whose contracts are coming up for renewal in the coming months or years, where some UK nationals' contracts are renewed whilst others are not.

Moreover, it is important to recall that the administration owes a duty of care in how they carry out this process, which would require them to take account of individual circumstances of the persons concerned as well.

More clarification is still pending on the particular situation of the personnel in delegations, and further guidance is needed as well on the very concept of "conflict of interest".

TAO-AFI would invite President Juncker and Commissioner Oettinger to use their good offices with their counterparts in other EU institutions and bodies, to do the same for EU staff with British nationality.

We believe that in taking this decision the Commission has demonstrated both leadership and resolve to defend the European civil service both in terms of its attractiveness to new recruits from existing Member States, which is by no means given in the current political climate with the possible rise of nationalist populism, and in retaining the considerable experience and expertise of our UK colleagues in these resource-constrained times.

TAO-AFI would invite the College to demonstrate the same leadership and resolve in defending and promoting the European civil service in the forthcoming negotiations on the Multiannual Financial Framework for the period 2021-2027. This next MFF is still to be negotiated in the particular complex scenario of the elections to the European Parliament in just a year and the possible rise of populism, not to mention the announced intentions by several Member States of not increasing their financial contributions to the EU budget.

We expect that full clarity is established soon by the Brexit negotiators concerning the taxation aspects of the pensions as currently set out in the Protocol on privileges and immunities, as well as the eventual financial contribution of the United Kingdom. In this regard, we understand that the terms agreed with the withdrawal agreement, including its transitional arrangement until end 2020, marks a significant step forwards.

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proximity
independence



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TAO-AFI calls upon our administration to launch an immediate social dialogue with the unions, and asks all our UK colleagues to remain vigilant until the pursued objective is fully attained.

Raúl Trujillo Herrera
President

TAO-AFI

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