

Brussels, 04.06.2018
KG/cw Ares(2018)s_2214932

Mr Niels Bracke
Vice-President of Union Syndicale Fédérale
Avenue des Gaulois, 36
1040 Brussels

Ref: USF Open letter of 26 March 2018 to Mr Tusk, President of the Council of EU, Mr Tajani, President of the European Parliament, Mr Juncker, President of the European Commission

Dear Mr. Bracke, *verwelken Hen Vicepresident!*

Thank you for your letter of 26 March 2018 drawing President Juncker's attention to the situation of UK staff after Brexit. President Juncker asked me to reply on his behalf.

On 28th March 2018 the College of Commissioners has adopted a decision concerning UK staff employed by the Commission.

- In the case of United Kingdom officials who will no longer satisfy the condition of being a national of one of the Member States as a result of the United Kingdom withdrawal from the European Union, the Appointing authority will not use its discretionary power under Article 49 of the Staff regulations, unless duly justified in specific cases such as conflicts of interests or under international obligations.
- In the case of temporary and contract agents who will no longer satisfy the condition of being a national of one of the Member States of the Union as a result of the United Kingdom withdrawal from the European Union, the Commission is legally bound to perform a case by case analysis in order to authorise duly justified exceptions to the nationality requirement provided by the Conditions of employment of other servants provisions mentioned above. However, the College takes the undertaking that the Authority habilitated to conclude contracts will make a generous and transparent application of this derogation possibility. Its assessment will be based on the interests of the service.

I already informed other EU Institutions, agencies and bodies about the Commission's approach in order to ensure transparency on that important matter.

The exact timing when derogations will be assessed will depend notably on the outcome of the ongoing negotiations with the UK. In case the draft Withdrawal Agreement is approved by all parties, contracts will by law continue to run until 31 December 2020 and this assessment may only take place as of this date.

Yours sincerely,

