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## **Open letter to agency directors and governing boards**

Copy to: Mr JUNCKER, and AASC

On 29th March 2019 the UK will leave the European Union. For a few hundred employees of the European Union this day could have life-changing consequences. Concerning Temporary and Contract Agents in the agencies, Article 47 of CEOS states: “Apart from cessation on death, the employment of temporary staff shall cease...where the servant no longer satisfies the conditions laid down in point (a) of Article 12(2), subject to the possibility of authorising an exception under that provision...”.

The European Commission has made commitments that staff on indefinite contracts and holding only British citizenship will be able to stay and serve Europe, notwithstanding the UK’s withdrawal. This has been made clear on several occasions by Commission President Jean-Claude Juncker, and later reiterated by Commissioner Guenther Oettinger, most recently immediately following the pre-Easter College meeting, in which Mr Oettinger expressly referred to Contract and Temporary Agents.

The European Parliament has in effect offered to allow contracts of British staff to continue. Furthermore, European Central Bank President Mario Draghi has made it clear early during the Brexit discussions that he will ensure that British staff at the Bank be retained. The Commission has invited the heads of agencies to follow its example in guaranteeing continued employment to officials, encouraging the directors to be “generous and transparent in their application of derogations”. It is of course understood that this may not be possible for high-level political posts, for which article 50 foresees an end of contract in highly favourable terms to the employee.

Despite these clear signals from the Commission and the decision by the Parliament, the situation is still very unclear in many agencies. Some appointing authorities in agencies seem to have already decided that whenever the UK leaves the European Union, British staff will have their employment terminated. We have learned that the agencies tend to adopt of a

common policy and that the most likely outcome would be the termination of contracts for all British staff members. This is arbitrary, unjust and against both the letter and the spirit of the Commission's statements and the expectations resulting thereof, as well as the spirit of intra-European solidarity, fundamentally opposite to what Brexit itself stands for.

It now appears, as confirmed in a letter from Commission Vice-President Oettinger to the President of Union Syndicale Fédérale dated 4th June, that the contracts of employment will run until December 2020 if the Withdrawal agreement for the UK is agreed by all parties. Does that mean that it would be up to agencies' directors to decide on a cut-off date? Similarly, it is not clear if notice periods will conform to staff contracts stipulations, or if directors can determine this too at their own discretion. In any case, Brexit must not be used as an excuse to cut down on agency staff.

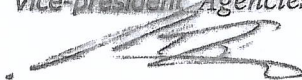
In addition, we believe that the Commission should be requested to support agencies with budgetary problems by maintaining their budgets at current levels after Brexit. Given the staff reductions, reforms and cuts of the past years, any further budget decrease will put the functioning of some agencies at serious risk and may render redundancies of British colleagues unavoidable.

Union Syndicale deplores the attitude of appointing authorities in some agencies who refuse to adopt a common-sense approach, as recommended by the Commission, to the benefit of both the agencies and their staff. Such attitudes go against economic rationale, as well as the duty of care towards their employees. Replacing UK staff will be costly, as recruitment procedures will have to be organised and redundancy packages to be paid. Moreover, British staff will be entitled to receive unemployment benefits for up to three years.

We are certain that you share our concern to safeguard the agencies' good public image by avoiding to give the impression that they do not only waste taxpayers' money, but they also showcase very poor judgement and moral responsibility. USF is at your disposal to further discuss the issue with you in the interest of staff, the agencies and the EU civil service in general.

We thank you in advance for your attention and interest to defend British colleagues' employment in the current times of crisis.

Dr. Jean-Marie Jungblut  
Vice-président Agenciers



Dr. Bernd Loescher  
USF President

