



Generation 2004

Newsletter no.23

June 2017

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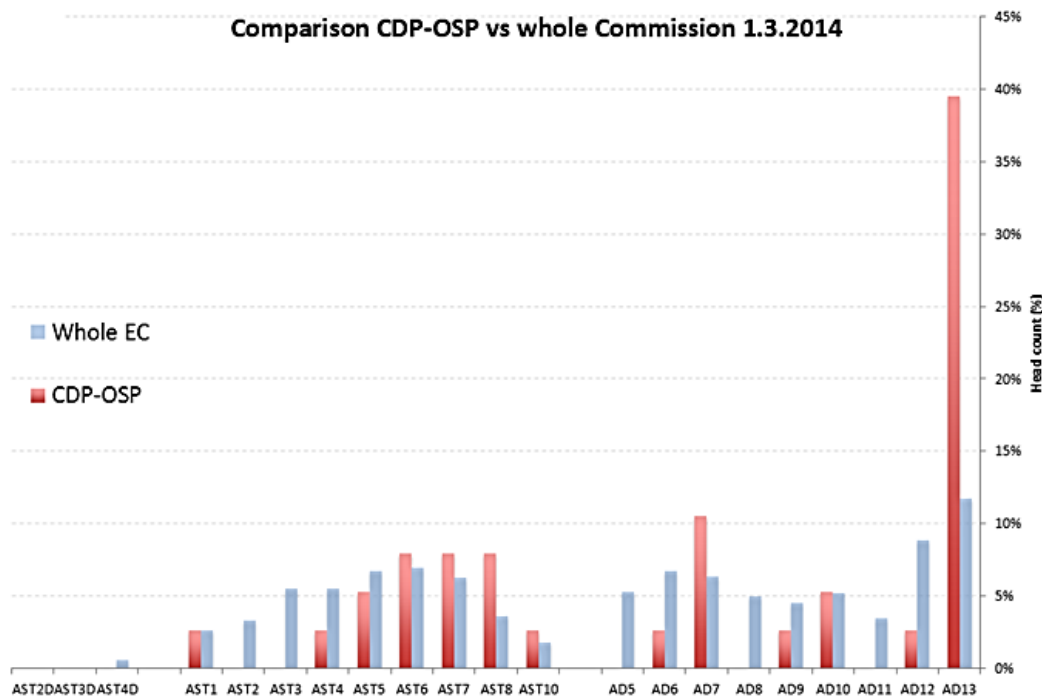
The Senior Expert against the Contract Agent

Les fonctionnaires sont un petit peu comme les livres d'une bibliothèque. Ce sont les plus hauts placés qui servent le moins..." (Georges Clemenceau)

Recently, the staff representation has become very excited about a controversial email exchange between an informal collective of the EC's Contract Agents called the Non-Permanent Staff (NPS) Forum, and some prominent staff representatives. Most of you probably don't care, but it is nonetheless worth spending 5 minutes to understand what's going on. To summarize crudely: the NPS forum, in its February newsletter accuses the staff representation of using their position to advance their own careers at the expense of the defence of the precarious Contract Agents (Quote: "...unions ... do more damage than good, to all staff recruited after 2004, using public money and entertaining a friendly relation amongst themselves and particularly with some members of DG HR, for decades. We have ... proof of the existing conflicts of interest, We also need to see who they are, before and after elections, we need to see their real CVs made public.").

Although the tone used by the NPS network might be exaggerated, we at Generation 2004 agree that there is a problem with many staff representatives serving foremost the interests of the 'old guard'. We have noted in the past that there are a surprisingly large number of very high ranking officials among the staff representatives: 40% of them were AD13 in 2014!





(CDP-OSP means Comité du Personnel – Organisations Syndicales Professionnelles)

We also observe that the same high-ranking officials are being granted senior expert posts when they go back to their DG at the end of their secondment to the staff representation, especially so if they go back to DG RTD, which is the DG where the bulk of the members of the NPS Forum work. At Generation 2004, we are 100% [against the senior expert scheme, because it is unnecessary and comes at the expense of the lower grades.](#)

However, not so the other unions! One of the prominent staff representatives, who happens to be a lucky beneficiary of the senior expert scheme, seems to have got offended by the accusations of the NPS Forum and managed to convince the Brussels Local Staff Committee to endorse a resolution condemning the NPS Forum in very strong terms and in particular requiring them "*de retirer publiquement les allégations formulées*", **which was passed against the votes of Generation 2004's representatives** in the Committee. But rather than grumble about this pathetic controversy, let's try to come up with concrete proposals to improve the staff representation, and make sure that Contract Agents, in particular those who have fixed-term contracts get a better representation.

At the moment, it is extremely difficult to convince precarious staff to engage in staff representation activities simply because they are afraid that their contracts will not be renewed if they do so. DG HR does not help: Generation 2004 has promoted one of its CA3b elected members to the position of General Secretary of the Brussels Local Staff Committee. Without going into the details of the rules for the allocation of resources, it is logical that this CA3b gets a so-called statutory secondment because the Local Staff Committee is a statutory committee. DG HR said ok, but in exchange Generation 2004 will have to give up the corresponding CA budget. Moreover, DG HR threatened not to renew the contract of this CA in March next year. Thus, Generation 2004 has had to back-pedal and cancel its request in order to preserve the interests of our CA colleague. This shows how DG HR makes no effort (to say the least) to help precarious CAs to get prominent positions in the staff representation. To be compared with its generosity when it comes to allocating senior expert posts to the former prominent staff representatives that belong to the old guard!

An additional important consideration is that our colleagues working in the executive agencies should have a say in the negotiations with DG HR, in particular when the negotiations deal with the situation of Contract Agents. For the moment, all they get is a "*fait accompli*" situation whereby the provisions negotiated in the Commission are imposed on them "*by analogy*". Moreover, their few staff representatives get virtually no resources: no offices, no secondments and they are subject to constant pressure from their hierarchy not to spend any time on staff representation activities (is that what the social pillar of the EU is about?). In contrast, the staff representation of the established civil servants in the Commission get an allocation of altogether 41 Full-Time Equivalents (FTE) worth of secondments. These 41 FTEs sit most of the time in useless committees which seem to have been created to justify the ... 41 FTEs. Why not improve the representation of the agencies staff in the negotiations with HR dealing with CAs since the vast majority of the staff of the agencies are Contract Agents?

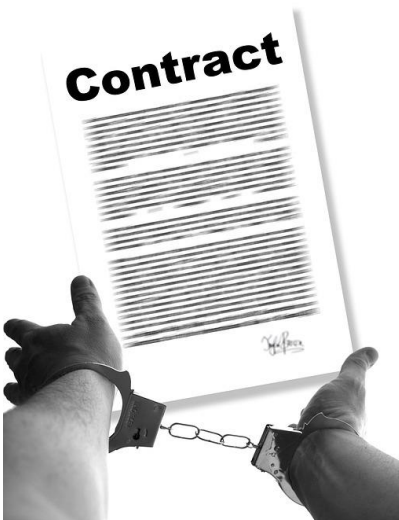


The uselessness of the current 41FTEs is made worse by the fact that most staff representatives have been there for ever. There is in theory a 6-year rule saying that no one should be seconded to the staff representation for more than 6-years. This rule is blatantly circumvented by DG HR by allowing staff representatives to rotate between so-called statutory and union secondments. This is to be contrasted with how strict DG HR is when implementing the other 6-year rule: CA3bs are kicked out with no remorse at the end of their 6 years.

An additional issue is that DG HR keeps granting an extension of their careers to staff representatives who have reached retirement age. If DG HR's relations with them had not become too cosy, then surely enough DG HR would not grant these extensions, would it?

Last but not least, a significant number of senior managers in DG HR, at director's level and higher, have been around forever. Wouldn't it be healthy to rotate them to other DGs so they can see what life in a frontline DG is? Wouldn't it also make sense to make sure that the management of DG HR reflects the distribution of the staff presently working in the Commission: a vast majority of post-2004 and a minority of pre-2004 staff (currently, it is rather the opposite among HR managers, [80% of them are pre-2004](#)). Maybe this rotation should be the priority of Commissioner Oettinger: make sure that a new generation of HR managers are put in place before the next reform of the Staff Regulations begins. Then things might really change!

Petition on the future of Contract Agents



The NPS forum, with the active support of one of our members, is launching a petition on employment conditions and career prospects for the non-permanent employees and contractual agents at the European institutions. Follow this link to read the text of [Petition 0178/2017](#). We encourage you to sign this petition, whether you are a permanent employee or not. Indeed, Generation 2004 thinks that non-permanent staff deserve a break after many years of austerity, [just like non-permanent government employees in Spain](#).

If you don't yet have a login on the European Parliament's petition website, you will need to create one. This will take only a minute, just click on "register" at the bottom of the petition text. A small effort for a great cause! Once you have logged in, all you need to do is click on "support this petition".

Getting this petition "to fly" is urgent because several hundred CA3bs are currently reaching the "cliff edge" of their 6-year time limit in the coming months (there was a wave of CA3b recruitments that started 5 years ago to [compensate for the 5% staff reduction](#)).

A new scheme to bypass the open competitions?

DG HR is cooking up a new scheme to allow some privileged few to get into the EU public service without passing an open competition. Their bright idea is that 15 Blue book trainees (BBT), after their 5 months period, would have the chance to join a programme called Young Professionals Programme (YPP). The timeline would be approximately as follows:

- ⇒ The BBTs get a 1-year CA GFIV in the same DG where they made the stage. Evaluation 1.
- ⇒ Then, 1-year CA GFIV in a second DG. Evaluation 2.
- ⇒ Then, 1-year TA AD5 either in the same second DG or seconded to an international organisation or a MS. Evaluation 3.
- ⇒ Final stage: internal competition to become AD5.

There are two rounds of selection of BBTs per year, thus the new scheme could allow 30 BBTs per year to join the YPP). These 30 winners would have been selected out of an average of 16,000 applicants per selection round, i.e. more than 30,000 applicants/year. Interestingly, no prior work experience would be required to enter the scheme. CA3bs will appreciate...

We have several questions about this scheme:

Indeed, the Staff Regulations lay down two main competition paths, internal and open. It is not clear at this stage which of the two legal bases would be applied by DG HR. What we can say is that:

1. Open has to be: OPEN!
2. In theory internal competitions are allowed only on an exceptional basis. Hard to reconcile this point with the fact that BBTs are recruited twice every year and thus with the fact that the YPP scheme would have to be run on a permanent basis.
3. Interestingly, if the process is organised via an internal competition, the selected BBTs could become permanent officials with no more than 24-30 months of experience, as compared to the 42 months experience that CA/TA/FONC had to have last year to be allowed to participate in the internal competition. Of course, if you are already a CA or an AST, you won't be allowed to become BBT to enter the scheme!
4. So far, there is no information whatsoever about evaluation criteria, about which budget would pay for this, what the legal basis would be, whether the successful internal competition candidates would have to apply to a post like everybody else (or would also enjoy a priority lane over open competition laureates).

Because of the present lack of clarity, it is hard to make up our mind at this stage. However, what we can immediately see is the link between this proposal and the plea of CA3bs (see petition above). If DG HR can cook up something for the BBTs, maybe it can also do so for the CA3bs who are reaching the 6-year cliff edge with their contract?

Social Dialogue on "External Activities"

The Commission is currently revising its implementing rules on so-called "external activities". These rules are meant to prevent conflicts of interest, either real or perceived, when active or former EU officials take on jobs or other duties outside of the institutions. Generation 2004 has been the most vocal staff organisation during the negotiations to denounce the fact that the rules proposed by the Commission make no distinctions between staff categories and between precarious staff and permanent staff: whether you are a former Director General looking for activities to keep yourself busy during retirement or a CA3b who is being kicked-out of the Institutions because your contract has reached the 6-year cliff makes no difference in DG HR's mind.

Generation 2004 thinks this is unacceptable: senior management, even after retirement, should be heavily scrutinized when taking up other activities. After all, it is them who are most likely to raise conflict of interest concerns among the general public. Moreover, it seems to us that their very generous pension benefits are there to ensure that they can have a comfortable life without needing to work after retirement (some of us will not be in such a comfortable position when we retire, if we ever retire...). Note that the implementing rules under discussion do not concern Commissioners but one can anticipate that the treatment of former Commissioners is unlikely to be more stringent than the treatment of former Directors General, so it is important to put in place strict rules for senior managers right now.

In contrast to senior managers, Generation 2004 thinks that a former CA3b who needs to find a job to feed his/her family after having been kicked-out of the Commission should benefit from a different and much lighter treatment. DG HR's reasoning for treating them just like permanent officials is that some CA3bs have heavy responsibilities and have access to sensitive information during their period of active employment. There you go: low wages, heavy responsibilities and on top of that hurdles to find a job after your 6-years in the Commission! Ironically, **Council Directive 1999/70/EC of 28 June 1999 on fixed-term work**, recommends *"to improve the quality of fixed-term work by ensuring application of the principle of non-discrimination, and to prevent abuse arising from the use of successive fixed-term employment contracts or relationships... The agreement forbids employers to treat fixed-term workers in a less favourable manner than permanent workers solely because they have a fixed-term contract, unless the difference in treatment can be justified on objective grounds."*



DG HR argues that the "objective grounds" are that former CA3bs should look for jobs that have nothing to do with what they did in the institutions in order to avoid potential conflicts of interests. This is completely unreal and contrary to how things work in the real world. You usually find a job in an area where you have experience. Therefore, former CA3bs (as well as former TAs who are not so lucky to be politically connected) have their best chance to find a job in an area that may not be allowed to them because of potential conflict of interest. The cherry on the cake for CA3bs is that DG HR (the appointing authority in the HR jargon) has 1 month to reply to you if you request the authorisation to take on a new job. What employer would be ready to wait for 1 month in the current job market? Thus DG HR's treatment of Contracts Agents is simply a blatant discrimination against those who have fixed-term contracts. Instead of discriminating them, DG HR should employ CA3bs for tasks that are not sensitive so that they are free to take up whatever job comes after the end of their contracts. With regard to sensitive tasks, they should be carried out by permanent officials, recruited for that purpose. The resulting recruitments would offer much welcome career prospects to the current generation of CA3bs.

Generation 2004 will continue to fight discrimination against CA3bs. We have some reasonable hope that some small and more enlightened staff organisations will side with us. We don't expect much support from the leading organisations though. Indeed, the seconded members of the leading organisations are too busy trying to get an extension of their employment beyond retirement age and their non-seconded members are too busy looking for senior expert posts in the Commission. CAs are not their priority...

Pensions and Brexit

Generation 2004 regularly alerts the staff with respect to the sustainability of our pension scheme. Commissioner Oettinger seems to agree with us (*"He therefore recommended a rigorous [budgetary] approach, particularly as there would be a considerable increase in the cost of EU officials' pensions in the coming years"*, see middle of page 14 in the Minutes [of the last meeting of the College in May](#)). Some more reasons to worry according to an [article in The Guardian](#):

an "EU diplomat" is quoted as saying *"we cannot trade pensions for the MFF"* [during the Brexit negotiations]. Let us hope that this diplomat really means what (s)he said. The fact that the Brexit Task Force has so far not bothered informing the staff about what is in preparation with respect to the employees of the institutions, not even those who have British origins, almost a year after the Brexit referendum, is not a good sign. The article in The Guardian emphasises that the EU has promised transparency, as opposed to the UK negotiators who apparently want secrecy. We have some doubts about this transparency pledge by the EU, see top of page 4 of our [May newsletter](#).



Some optimists may still be hoping that Brexit can be reversed in the wake of the recent elections in the UK. However, legal experts seem to think otherwise (see for instance page 15 of the [proceeding of a workshop organised by the EP on the consequences of Brexit](#), where the only option would be for the UK to apply again for EU membership, which sounds like a rather remote possibility. For

those with a "legal" mind, see also the [European Parliament briefing on Brexit](#)).

One thing that everyone seems to forget is that a prolongation of the 2-year negotiation period is possible if there is unanimous support in the Council. Judging from the tendency of the Council to let things drag on and on when discussing thorny issues, this prolongation is not to be ruled out. Whether such a prolongation would be good or bad for the EU staff is debatable. We would probably suffer from a prolonged period of uncertainty, although this might still be preferable to a brutal agreement where the last remainders of our benefits would be sacrificed as a bargaining chip to please the eurosceptics in the UK and elsewhere in Europe.

Promotions: why are some years good and some other years bad?



You might have been promoted this year, or not promoted... We have argued many times that the [current promotion system is flawed](#) but why is there so much uncertainty in the system? Part of the explanation lies in the so-called "wave effect". Basically, if you are in a grade with increasing population, for instance because of the arrival of a wave of colleagues promoted from the grade below, the mathematical peculiarities of Annex IB of the Staff Regulations result in a temporary increase in the quota of promotions available for that grade (see Annex 1 below for a theoretical example). Conversely, if you are in a grade with decreasing population, there will at some stage be a temporary decrease in the quota of promotions available for your grade. As a result, if you are lucky to be in "growing" grade, you might be promoted quickly just because "you are riding the front of the wave". If you are in a "shrinking" grade, you might have to wait longer than normal to get your promotion just because you are "floating" on the "tail of the wave".

Both situations occur in perfect compliance with the rates specified in Annex IB of the SR. The examples provided in the annex are theoretical for the sake of simplicity. However, we have seen evidence of this wave effect in the "true world". In the past, for



instance, a strong wave effect occurred as an artefact of the empty AD9 grade. Indeed, this grade did not exist before the 2004 reform of the Staff Regulations. The old A7 grade corresponded to the current AD8 grade and the old A6 grade corresponded to the current AD10 grade (if you are not convinced, check-out [article 2 of Annex XIII of the SR](#); yes, it is complex, the complexity was intentional, to fool the newcomers, but all you need to know is that the A* notation is just the same as our current AD notation). As a result, the population of the AD9 grade rapidly grew for several years while the population of the AD10 grade shrunk as many pre-2004 staff in that grade were moving to AD11 before a significant number of post-2004 staff could reach AD10. This explains why hundreds of unlucky pre-2004 AD who were not in a position to jump to the AD11 grade quickly enough got caught up in the tail of a strong wave effect. Some are still there while their comrades who were just one grade above in 2004 might have ridden a better wave to AD12 or even to AD13 by now. The final question is why DG HR did not fix Annex IB of the SR when it reformed the SR in 2014 in order to get rid of this wave effect? Could the explanation be that some of the management of DG HR and some of their friends in the unions have benefited to a large extent from the wave effect, in particular in the AD13 grade which, like the AD9 grade, was a new grade introduced by the 2004 reform?

Annex I : Simplified example of statistical biases caused by changing populations in a given grade between 2010 and 2014

Scenario 1: step increase in arrivals from the grade below: from 100 arrivals from the grade below/year to 125 arrivals/year

Year	2009 (steady state)	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 (steady state)
Arrivals	100	125	125	125	125	125	125	125	125	125	125	125
Promotions (33% of population at year N-1)	100	100	108	114	118	120	122	123	123	124	124	125
Resulting population	300	325	342	353	360	365	368	370	372	373	374	374
Promotions allocated to people with 3 years seniority	100	100	100	92	103	110	115	118	120	122	123	124
Promotions allocated to people with 2 years seniority	0	0	8	22	15	10	7	5	3	2	1	1

Explanation: initially, the population in the grade was 100, steady state. On 1.1.2010, a sudden influx of 125 officials arrives in the grade because of promotion from the grade below while 100 officials leave the grade because of their own promotion. As a result, the population in the grade becomes 325. In 2011, another 125 arrive from the grade below while 108 leave the grade through promotion ($108 = \frac{1}{3} \times 325$), raising the population in the grade to 342, etc. In 2011, 100 people benefit from a promotion in 3 years but an additional 8 people benefit from a fast promotion because of the favourable wave effect; in 2012 the number of fast promotions reaches the maximum of 22, in 2013 it starts decreasing to 15. Eventually, the number of promotions in the grade will reach the steady state value of 125, thereby equating the influx from the grade below and there will be no more fast promotions.



Scenario 2: step decrease in arrivals from the grade below: from 100 arrivals from the grade below/year to 75 arrivals/year

Year	2009 (steady state)	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 (steady state)
Arrivals	100	75	75	75	75	75	75	75	75	75	75	75
Promotions (33% of population at year N-1)	100	100	92	86	82	80	78	77	77	76	76	75
Resulting population	300	275	258	247	240	235	232	230	228	227	226	226
Promotions allocated to people with 3 years seniority	100	100	92	78	60	65	68	70	72	73	74	74
Remaining number of non-promoted people with 3 years of seniority in the grade at the end of the exercise	0	0	8	22	15	10	7	5	3	2	1	1

Explanation: initially, the population in the grade was 100, steady state. On 1.1.2010, the influx of officials from below decreases to 75 for reasons totally independent from the merits/situation of those who are in the grade. As a result, the population in the grade decreases to 275. Next year, the population further decreases to 258 and the number of promotions decreases to 92. In 2012, the number of promotions further decreases to 78 and in 2013 to 60. As a result, 8 people are put in the slow track in 2011, a maximum of 22 people are put in the slow track in 2012. Then the number of people in the slow track starts decreasing to an eventual stabilization, in balance with the steady influx of officials coming from the grade below.

Assumptions:

- For the sake of simplicity, promotions occur on 1 January of each year and there is no recruitment of new staff in the grade.
- The Commission computes promotion rates in a grade as the ratio of promotions in a given year N divided by the population in that grade on 1 January of year N-1 (this what Annex IB says).
- The number of promotions is calculated here for a $\frac{1}{3}$ promotion rate (we should have used 0.33 but $\frac{1}{3}$ makes the example simpler. It changes nothing to the reasoning).
- The initial population was 300 before 2010 and was steady until then 100 people were promoted from below on 1 January of each year and (100 were promoted to the grade above on the same date).
- Promotions are allocated in priority to the population that has the largest number of years of seniority on 1 January of each year (those with 4-year seniority are served first, then those with 3-year seniority, then those with 2-year seniority).

Conclusion

The varying number of staff in the grade causes statistical artefacts: being in a grade with increasing population caused by a step increase in the population coming from the grade below results in an increased likelihood to be promoted within 2 years instead of 3 years. Being in a grade with decreasing population caused by a step decrease in the population coming from the grade below results in an increased likelihood to be promoted within 4 years instead of 3 years. Here, all people are assumed to be identical, there is no difference of merit between them. The different career speeds depend only on the statistical configuration of the considered population. In other words, strictly applying the rates of annex IB does not guarantee career equivalence when populations are varying in size with time.

Writing with Impact: Or how transparency makes a difference!

Generation 2004's "wake-up" call sent on 8 June 2017

From: REP PERS OSP GENERATION 2004
Sent: Thursday, June 08, 2017 11:52 AM
To: REP PERS OSP GENERATION 2004
Subject: Autumn Language Classes - enrolment deadline!
Importance: High

Autumn session language courses: Enrolment deadline is tomorrow!

In the good old days the Commission actively promoted training opportunities for staff; or at least cared to leave such an impression (once the Commission even quoted an average of 8 training days per year per official).

Those days are gone. Only if you are currently enrolled in a language course you may be aware that the registration period for the next (Autumn) session is ongoing.

You may wonder if you missed the important announcement by DG HR on language courses enrolments. Well, you have not: DG HR has changed its policy. No messages. You will only find the information on Intracomm after clicking on a series of links.

Wonder why? Allow us to be provocative: what is the chance that information less obvious to find will bring down the number of enrolments and will generate financial savings? No further comment.

Finally, an advice to all: if you want to apply for the Autumn 2017 language courses - do it asap (the final date for the enrolment is 9.06.2017).

Request must be done over [EU Learn](#) application.

Regards,
Your G2004 team



DG HR's reaction sent on 19 June 2017

From: HR LANGUAGE TRAINING
Sent: Monday, June 19, 2017 1:00 PM
Subject: IMPORTANT INFORMATION enrolment period Autumn 2017 session - INFORMATION IMPORTANTE inscription session Automne 2017
Importance: High

If you have already enrolled (pre-booked) for the Autumn 2017 language course session, please disregard this message.



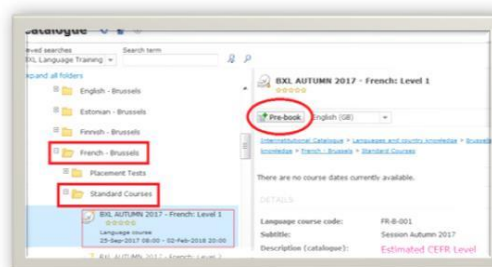
Dear Learner,

As you know, we are now working with a new Learning Management System, EU Learn, where a new language course enrolment process is being put in place. We have noticed that some of you did not receive the information on the autumn 2017 language course session on time and therefore that some of you were not able to enrol for the autumn session before 09/06/2017.

During this transition period, exceptionally, we have opened again the enrolment period (prebooking) for the Autumn 2017 session until Thursday 29/06/2017.

For your convenience, please find below the direct path to follow in [EU Learn](#):

[Inter-Institutional catalogue > Languages and country knowledge > Brussels - Languages and country knowledge > select the language concerned > select the standard or advanced courses folder > select the right level > click on the prebooking button located on the right-hand side of the screen](#)



We kindly remind you that if you wish to continue your language learning, you have to enter a new pre-booking request in EU Learn at the appropriate level (your current level +1).

Please note that the approval by the line manager will be done **later at the booking phase** (selection of the group) and **exclusively by him/her** (no more approval by the Training Coordinator). Therefore, **at the pre-booking phase**, in order to avoid false expectations, please obtain the **agreement in principle** of your line manager before you enter your request in EU Learn, in the context of a discussion with your line manager about the development of your skills.

Best regards,
The Language Training team.

..... and finally

Got any ideas for the G2004 newsletter? [Send](#) them along (with "Newsletter" in subject), together with any letters, articles, poems and other assorted forms of expression.

G2004 message song of the month (*with kind permission*) – now click [here](#) sit back, turn up the volume and listen well... a summer song!

If you identify with what you have read, and share our objectives, **please give us your support TANGIBLY by becoming a member.** [Click here](#)

Whilst **Generation 2004** is the home of **EVERYONE** who believes in equality, justice and solidarity, it is

✓ **the *natural* home of ALL staff recruited after 01 May 2004**

and de facto,

✓ **the *natural* home of ALL staff recruited from the "new" (2004+) Member States**

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