



Generation 2004

Newsletter no.7

July-August 2014

TOP STORY

Post-2004 redress: a Ray of Light???

You will remember that on 06 May we had amicably “challenged” all other unions and staff organisations (OSPs) to a "serious debate leading to concrete, common proposals which address the post-2004 problem" (see also [here](#)).

Along this line, you will also remember that in our [May newsletter](#), we announced a conference for 20 June 2014, intended to tackle the post-2004 problem and which would ideally bring together all unions and OSPs together with YOU – the staff.

Rightly so, many of you have written to us, wondering what has become of this conference.

Well, at this point in time we are pleased to inform you that following our calls mentioned above, we have had a positive and promising response from all unions and OSPs, some with more enthusiasm than others.

Indeed, whilst acknowledging that it is high time for a solution to be found, all unions and OSPs have insisted that such a post-conference should not be a unilateral Generation 2004 initiative but a joint effort between all unions and OSPs; possibly even across the different institutions.

In light of this, Generation 2004 has agreed to cancel its “post-2004 conference” (initially set for 20 June) which conference will instead be now jointly organised by all unions and OSPs – including of course Generation 2004 – during the second half of October (more details to follow).

Meetings are being held on a weekly basis between all unions and OSPs in order to prepare for this important conference which should ideally result in the finalisation of concrete and realistic proposals in favour of post-2004 staff which will then be jointly presented to the new Commission upon formally taking office.

Generation 2004 notes with satisfaction the positive reaction of all unions and their apparent disposition to finally, tackle seriously the post-2004 issue which has created a sharp division between staff over an entire decade.

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Generation 2004 holds faith in the good sense of all stakeholders involved to come together in finding a fair solution and in the name of all the affected staff, calls upon all union colleagues to substantiate their expressions and repeated declarations of goodwill with hard facts and ideas. Coupled with the anticipation of a Commission, which if not better could not be much worse than the outgoing one, NOW is a unique window of opportunity which none of us who want a strong and united EU civil service can afford to miss.

We will of course be keeping you informed every step of the way over the coming weeks and months.

Commission President-Designate Juncker essentially endorses the very *raison d'être* of Generation 2004



From the preamble of our by-laws establishing G2004 as an EU civil service staff association, August 2012:

"Generation 2004 commits itself to [...] b) strive for the implementation of the principle of "equal recognition for equal work", including substantially equal professional and career perspectives, both financial and non-financial"

From the speech to the European Parliament of Commission President-Designate Jean-Claude Juncker, 15.7.2014, "A NEW START FOR EUROPE", *Political Guidelines for the next European Commission*, Section 4 ("A Deeper and Fairer Market with a Strengthened Industrial Base"):

"In our Union, the same work at the same place should be remunerated in the same manner."

To Mr Juncker: Our heartfelt thanks for this major acknowledgment; we wish you the best for your coming mandate as *our* President and we wholly commit to support your action in this highly important field. Welcome to the European Commission, we look to you with new hope, but you need to have a serious talk with your human resources as soon as possible. Whatever they might tell you, the situation is grave and urgent Mr. President!

To Mr Barroso: Over 10 years, locked up in your ivory tower, you have treated Commission staff with disdain if not ignoring us (particularly post-2004) all together. You will be best remembered for transforming the average Commission official from a highly-valued human professional to an expendable number. If the 2004 reform in itself was bad, its implementation under your administration has transformed the EU civil service into a mess of highly-divided, frustrated and unmotivated individuals or categories thereof. Please, do ensure to include all this in your "handover file" to Mr Juncker, it's the least you owe us!

Dirty games and money for nothing (or "NEPOTISM REDEFINED" for the more discerning)

The first results of the internal competitions were published on the Commission intranet. Hey ho! Like every fifth year it is again parachute-jumping season in the European Commission. Our HR pros, who say of themselves: "*Our staff are dedicated to making the civil service of the European Union a modern, effective and dynamic organisation, fit for the challenges of the 21st century*", have again found a way to hand out the silken parachutes to the privileged few.

These internal "competitions" were of course *primarily* designed, right from the start, to offer high-paying permanent positions to non-permanent CAB staff and camouflage this by allowing some other non-CAB colleagues to pass as well, mostly to inferior grades. Consequently, the list for the AD10/AD12 'not-much-of-a-competition' contains about 20 names of colleagues from the CABs plus some other high-flyers from BEPA and the spokesperson's office.

Suspicious that this "competition" was rigged right from the start arose immediately after DG HR circulated a first draft early last year. It foresaw that all the lower grades had to do a first round of computer based tests (CBTs), whereas for the AD 10-12 segment it was proposed that a CV and an interview would be enough. When Generation 2004 and other unions complained, instead of changing the AD 10-12 qualifier to a CBT, they decided to base the whole exercise on the so-called 'talent screener'.

Indeed, since HR could not run the risk of blue-blooded cabinets and other high-level 'talent' failing, they did not for a moment hesitate to come up with the magical-mysterious 'talent screener' solution, whereby answers about a candidate's qualifications are assessed in a comparative, and hence totally subjective manner, by the selection board.

Unfortunately, that is by no means the end of the plot!

During the ‘negotiations’ on the internal competition DG HR had clearly stated that (in contrast to AST or AD7-9) AD10 and AD12 laureates would not automatically benefit from those higher grades, but they would only move “up” to AD10 or AD12 if there is a published need for such advisors, and if they are selected as the most suitable candidate for those posts.

But what happens now, is the pinnacle of hypocrisy and nepotism: now that the new statute (since 2014) no longer foresees advisor positions at AD10 or AD12, DG HR found itself in the embarrassing position that the lists established through the internal competition would no longer be useable. Instead of simply burying the list, like they did with so many other lists of common and lesser-deserving mortals in the past, they decided to appoint the laureates anyway to permanent jobs and/or higher AD10 or AD12 grades even though they continue to do exactly the same job as before!

And of course, most of these “promotions” will be cannibalised from the rightful promotions of others, whose talent the highly-dubious ‘screener’ hasn’t recognised; remembering that since there was never a budget for this exercise, DG HR intends to fund it by slowing down other colleague promotions. Now how fair is that dear “Guardian of the Treaties”?!?!?

All in all, this means that around 40 lucky (including some genuinely-meriting) colleagues will get up to 40 % salary raise instantly without any change in their job. Overall, the total cost of this generous operation amounts to roughly **1 million € per year extra expenses** – in spite of the legislator’s clear wish to limit such high grades of which there is already a “Mexican-army-ful” in the European Commission.

Many colleagues will find this hard to understand and many are indeed outraged by this dirty game: not just because it is deeply unfair and reeks of nepotism, but also because in a time of staff cuts, longer working hours, 0% salary adjustments ... etc, the Commission still finds the resources for throwing money out of the window! We dare say that never ever in the past has dissatisfaction and disillusion with the Commission’s HR been so high among colleagues. Congratulations again dear Commission, you really have something to be proud of!

While the Roman orgy goes on, somebody will have to clean up the mess, and this somebody will be the post-2004 and now also the post-2014 generation, as all of this happens on their back. Last but not least, such irresponsible practices *will* seriously weaken the Commission’s negotiating position when maybe even sooner than expected, we are inevitably faced with demands for further cuts from Member States and/or the European Parliament.

Cabinet appointments for common (but deserving) mortals

When the 5-year legislature of a Commission comes to an end, many Commissioners return to their home country whilst dozens of temporary agents that were once brought to Brussels by these Commissioners grab at any possible straw in order to secure a permanent and ideally high-paying position in Brussels. Of course, if possible, without the unsavoury and demeaning obligation of having to pass an open competition just like any other common and inferior European mortals.

There is certainly nothing wrong with a Commissioner exceptionally bringing in an outsider, a person of special confidence into his or her cabinet, but for the rest, cabinets have important jobs to do that often require detailed knowledge and experience of Commission procedures and policies. Overly relying on outsiders on the basis of special recommendations exposes the Commission to the influence of lobby groups and limits the efficiency of the cabinets right from the first crucial months of a legislature.

Likewise, all the scrambling to secure permanent posts (a.k.a *parachutage*) is a huge distraction in the final months of a Commission which effectively reduces the institution to a ‘lame duck’ during its terminal phase. Meanwhile, loyal and hard-working staff members in the Directorates-General become justifiably frustrated to see their careers slowed down as management positions become increasingly out of their reach, being reserved for cabinet members. Many colleagues who later have to suffer under managers who sometimes neither have convincing management skills nor have any previous experience at the operational level.

There *is* certainly a better way to manage human resources in the cabinets: by improving the transparency of the hiring process and promote more internal cabinet appointments. If more colleagues from the relevant DGs are appointed to cabinet positions through a transparent procedure, cabinets would be fully operational at an earlier time. Relations between cabinets and Directorate Generals could be smoother throughout the term and the work more efficient up to the end of the term, as there would be less distraction from the parachuting exercise. There would be less frustration among staff about blocked career paths and in the long term, better qualified managers in the Commission who combine political experience (gained in the cabinets) with *real operational* experience (gained previously as regular staff member in the Commission).

Last but not least, the Commission could save a lot of money: an in-house expert appointed to a cabinet position can be replaced in his or her former DG by an AD5 laureate from the reserve lists, while outside experts typically need to “be convinced” with very high entrance salaries.

All this would not be so difficult to implement. All it would require is an honest effort from DG HR to make all the available in-house expertise more accessible. All this information is already largely available in in-house-databases such as Sysper and e-CV. Looking for a competition lawyer fluent in Chinese? Or an economist with experience in commodities trading, fluent in Spanish and Portuguese? This can all be found in our internal data bases.

Unfortunately, there seems to be no intention (or honest political will) to make use of all this internal expertise. Instead, a couple of days ago, the Commission launched an external data base¹ for people interested in cabinet positions. There is no means to transfer data entered into e-CV in Sysper to this external data base. All information has to be encoded manually again.

¹ https://ec.europa.eu/dgs/personnel_administration/open_applications/CV_Cand/index.cfm?fuseaction=premierAcces&langue=EN

Besides such technical questions, what is lacking is a true effort to mobilise potential in-house candidates: why not invite all the staff to give a presentation in the relevant Directorates General about their experiences in cabinets for instance, and encourage other colleagues to apply and enter their CV into the database?

But most importantly, the best way to encourage internal candidates to express their interest in a cabinet position would be to send out a clear signal that they *actually have* a chance, even without political connections or recommendations from outside, just on the basis of their professional skills and experience. Publishing a one-liner on Intracomm² will hardly be enough to mark the beginning of a new era of openness and transparency.

We call upon DG HR to dramatically improve – for 2014 already – the transparency of the cabinet hiring process, convincingly encouraging the best qualified internal candidates to apply. Europe has important questions to tackle. We need to get started right away, making use of the best available in-house experts, rather than continuing frustrating them by smoky and highly dubious practices.

lus est ars boni et aequi ... but not in the European Commission – **IMPORTANT NEWS for AST/SCs**

In January 2014 many AST colleagues surprisingly found their posts reclassified as AST/SC without any prior notice or justification. Not surprisingly, Generation 2004's initiative to propose a template for an Article 90 appeal also adopted by a majority of the unions (see [here](#)) was received with enthusiasm and many AST colleagues used this opportunity to demonstrate to the Commission's HR services their frustration and dissatisfaction.

The long-awaited reply to their appeal is now just out. Surprise, surprise, in their reply the HR services keep trying to convince us that the reclassification of posts is simply a technical detail which does not affect - *de facto* or *de jure* - the *real* situation of AST colleagues.

We have a “counter-surprise” to share with our HR services ... in that there are *already* cases where an AST post was left unoccupied, rather than a colleague on a AST/SC job being appointed... or even more outrageous: an AST/SC job colleagues was considered not good enough to occupy an AST post when his/her current job is *de facto* identical... the only difference being it is an AST/SC one! In this respect, will they still continue telling us that reclassification does not have an effect *de facto*!?!?

They simply seem to fail to understand that what we expect is much more than a formalistic reply on the edge of legal reasoning, so disconnected from the true aim of law which is to defend and restore justice. Do you imagine where the HR inventive interpretation could lead us? Let us speculate a bit... What would they reply to the next AST colleague with recognised *de facto* AD responsibilities, who, just for the sake of the experiment, applies for an AD job, arguing that the appointment does not require a reclassification of the *type of post of person* but is only a technical detail about the *type of post of the job*!?! How about this inventive interpretation?

And there is something else which our HR services seem to hope we will not notice...

They say *promotion prospects remain unchanged*. We still need to ask *how* this statement correlates with other developments in recent HR policy. In a quiet shift of the promotions exercise, this year special attention is paid to the level of responsibility. This year the promotion quotas for AST category also include the ex-C category, leading to a situation where in future the comparison will be made for jobs with different responsibility levels implying that often, colleagues with lower responsibility will be left out. Just as a reminder, post-2004 colleagues were recruited in a system with a single AST category where internal differences were supposed to be gradually phased out. What happens now apparently is that a cast system in the AST is quietly being restored, clearly aiming towards pushing down as much as possible post-2004 ASTs. Not surprisingly, this is accompanied by an increasingly restrictive certification policy.

Make no mistake that we will continue with our legal action, but what is more important is that we will continue to insist that a coherent and transparent HR policy for the AST category is presented as soon as possible by the Commission. Just to throw some thoughts: a clear exit schedule from AST transition including analysis of the AST population and posts available, internal competitions from AST to AD and tailored planning of the certification exercises ... are the *minimum* actions we expect to see.

² <https://myintracomm.ec.europa.eu/NewsPortal/Pages/NewsDetails.aspx?listid=470cc0e6-c651-4331-9feb-15f63d5620a6&itemid=12258&NewsCategory=5>

Full mobilisation to defend the weakest in Luxembourg

See here the [STRIKE NOTICE](#) by all unions and OSPs (including the FULL and UNEQUIVOCAL support of Generation 2004) concerning the precarious and grave situation of our contract agent colleagues in Luxembourg; again something to be proud of dear Commission. But of course, when you get too high in the ivory tower, the view down below easily becomes obfuscated by clouds, fog etc ... especially in Luxembourg!

Legal assistance in Luxembourg

Generation 2004 Luxembourg Section is happy to announce the arrangement with a lawyer who agreed to provide free legal advice to members. If you need help, please contact us:

Luxembourg Section

Office: JMO B2/027 (Jean Monnet Building)

Tel: 31878 / 32441 / 38021

REP-PERS-OSP-GENERATION-2004-LUX@ec.europa.eu

Generation 2004 supports the initiative by TAO-AFI

Generation 2004 hereby declares its full support and adherence to the initiative announced by the union TAO-AFI in its June-July Newsletter, proposing that the European institutions apply the "Mathys law" to their staff.

"On May 9th 2014, France published the so-called 'Mathys law' n°2014.459. Mathys was a young child suffering from a terminal illness. His father's only wish was to spend as much time as possible with Mathys in the short time left for him in this life.

His colleagues, supported by their boss, felt so concerned that they decided to show their solidarity by donating some of their precious time ... hours and days from their holidays ... a lot of days, in order that the father could spend the longest time possible ... almost 6 months ... with little Mathys and his family.

We propose that the European institutions also apply this rule to their staff.

We propose that we could be allowed to donate days or extra hours that would otherwise be lost (i.e. carry-over of more than 12 days per year or flexitime above 2 days per month) anonymously to parents of a child suffering from illness, accident, disability.

We propose that this solidarity can benefit any parent in need, whatever the child's age.

We need to be able to act concretely and humanly when a colleague faces a difficult situation. Well done TAO-AFI: Generation 2004 is four-square with you on this.

..... and finally some lighter moments ☺☺☺

An alle deutschen Kollegen:

Herzlichen Glückwunsch zur gewonnen Fußball-Weltmeisterschaft ☺

Summer is here ...

Well maybe not much applicable to greyish Brussels, but in your home country or wherever you might be heading for your well-earned summer holidays (see/hear also below). Enjoy & relax to the max and don't look out for our Newsletter in August ... as it will be on holiday too; although our offices will remain open all throughout ☺

Happy birthday dear Chairman: you are 9 today

On 16 July 2005, the Chair of Generation 2004 – Stefan Grech – joined the Commission, in whose eyes anything one does before is worth jack**** and one's professional life starts only on that hallowed first day of work at the Commission. Therefore on 16 July 2014 our Stefan was 9 years old. Happy birthday dear Stefan ☺

G2004 message song of the month (with kind



permission) – click [here](#), sit back, turn up the volume and listen well (P.S. don't forget to work for an extra 3 minutes 45 seconds before you go home today). This one by special dedication from our Chair as most of us prepare to go back to our roots, back to our "neverlands", for some well-earned holidays. Enjoy some fine rock from Malta ☺

Got any ideas for the G2004 message song for next month? Send them along (with "Newsletter" in subject) to our DJ [here](#), together with any letters, ideas, articles, poems and other assorted forms of expression.

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