



# Generation 2004

## Newsletter no.12

April-May 2015

### TOP STORY

## CODE RED!!!

### The promotions system rattled to the core

Over the past days, we drew your attention to a **ground-breaking sentence handed down by the EU Civil Service Tribunal on 18 March** in case F-51/14 ([EN version here](#) – see 18/03 post & [FR version here](#)); where an EEAS colleague – whom we hereby salute - argues against his non-inclusion in the list of officials promoted under the 2013 promotion exercise.

We are considering this to be a *ground-breaking* judgement in that whilst strictly speaking it refers to the EEAS promotions system, this (system) is fairly parallel to that of the Commission.

More importantly, the judgement literally demolishes a number of erroneous practices largely common to both promotion systems; practices which Generation 2004 has been attacking for the past years here at the Commission.

Principally, the judgment delivers a very strong blow against any promotions system which:

- a) **does not ensure an institution-wide comparison of merits,**
- b) **does not take sufficiently analytical consideration the three components of merit (as provided under the existing staff regulations).**

Last October (2014), staff representatives from **Generation 2004** raised a number of **points** in the Commission's **Joint Promotions Committee (JPC)** which brings together DG and staff representatives, but which despite its imposing name is normally just a rubber stamp for DG HR's final decision as far as the annual promotions exercise is concerned ([see also pg 5-6 here](#) "2014").

*Code Red cont.*

2 *2015 Promotions Exercise*

3 *2015 Promotions Exercise cont.*

*Staff distribution by grades*

4 *SOS- Your Pension!!! (2)*

*Elections: first success in Ispra-Seville*

5 *....and finally some lighter moments ☺☺☺*

In this respect, we presented (or rather tried) three carefully structured discussion papers ([see posts of 24/10/2014 here](#)) at both the AD and AST JPC plenaries which as you can notice are uncannily similar to the principles underpinning the Court judgement cited above, particularly concerning the legal requirement of **merit** and the procedure being used to assess it which, in our humble view, does not guarantee **objective impartiality**. Convinced of our reasoning and backed by our legal team, earlier this year we drafted **an Art. 90 complaint template** ([see post of 02/02 here](#)) against non-promotion (under the 2014 promotions exercise) which we offered to ALL Commission colleagues, regardless of whether they were members of Generation 2004.

Colleagues who decided to file this complaint are currently waiting for a reply from DG HR, which reply is now (hopefully) being closely studied, taking into account the F-51/14 judgement.

Bottom line of all this is that as we have been trying to explain for the past years, the promotions system has been a mess of colossal proportions: legally, morally and politically.

However make no mistake; this is **not some victory for Generation 2004 or any other union**, but a **victory for justice, the rule of law and deserving staff**.

In light of the above and the seriousness of the situation, Generation 2004 organised an information meeting for all staff on Thursday 26 March where we:

- explained the sequence of events described above in more detail;
- provided an analytical summary by our legal team of the Court judgement in question and its possible ramifications beyond the EEAS;
- discussed our next steps, noting the aspirations and comments of colleagues.

**In order to limit the damage, the wisest way forward for the Commission would be to act and act now! Unlike what is happening in the EEAS, the Commission cannot afford to let the Court decide for it and must act proactively in order to preserve its reputation and credibility.**

However, first reactions from DG HR have been anything but promising where in a meeting with the staff representation on promotions some days ago, the administration, **backed by one of the unions – U4U** - took a staunchly conservative stance stating that it was not concerned in the least by the recent Court judgement and that it was “business as usual” as far as the 2015 promotions exercise was concerned.

In the circumstances and also taking into account your feedback, Generation 2004 has been very active over the past weeks within the Central Staff Committee (CSC) working towards the declaration hereunder which the CSC sent as an open letter to Vice-President Georgieva on 30 April, copied to all Directors-General and all Commission staff.

**Generation 2004 will only participate in this year's promotions exercise according to the principles set out in this declaration:**



30 April 2015

**Open note from the Central Staff Committee to Vice-President Georgieva on the launch of the 2015 promotions exercise**

During the last plenary meeting of the Central Staff Committee, the launch of the 2015 promotion exercise was discussed at length.

The Central Staff Committee has decided on participating in the 2015 promotions exercise only out of a sense of loyalty as staff representatives, in order to monitor the contested actual process on behalf of colleagues.

We regard this promotions exercise as potentially flawed in that once again, it risks not being able to provide for the institution-wide comparison of merit based on the three criteria (evaluation reports, level of responsibilities, use of languages) established under Art. 45.1 of the staff regulations.

Indeed, the exercise will be based on annual reports which express a purely verbal, subjective assessment of individual officials. Moreover, the applicable general implementing provision - C (2013) 8968 final of 16.12.2013 - still does not provide sufficiently detailed methods for the kind of merit comparison between the staff in the Commission services as required by the staff regulations.

In this sense, we are endeavouring to provide a constructive input for the sake of the institution and all affected colleagues, in order to strengthen as much as possible a promotions exercise which, once again, could be vulnerable to certain legal challenges in the near future; amongst others, challenges deriving from the judgement handed down on 18.03.2015 by the Civil Service Tribunal in case F-51/14.

As already requested by the Unions, we remain also convinced that the exercise urgently needs a critical review as we have repeatedly maintained over the past years.

This point of view is also shared by the Unions that recently requested to DG HR, following the procedures of the framework arrangements, a meeting on the subject.

In the current situation, we will intensify our vigilance of the process and as always, concentrate our action to ensure that Art. 45.1 is clearly and unequivocally applied to all eligible colleagues without exception by:

1. Ensuring an institution-wide comparison of merits in the promotion committees
2. Taking sufficiently analytical consideration of the three components of merit (as provided under the Staff Regulations).

In this sense, we are endeavouring to provide a constructive input for the sake of the institution and all affected colleagues, in order to strengthen as much as possible a promotions exercise which, once again, could be vulnerable to certain legal challenges in the near future; amongst others, challenges deriving from the judgement handed down on 18.03.2015 by the Civil Service Tribunal

Already (in February/March 2015) prior to the Court judgment in case F-51/14, we (G2004) had requested DG HR to convoke the Joint Promotions Committee at the *beginning* of the 2015 exercise with the explicit goal of reviewing the whole exercise, from the definition of quotas forward. Such a meeting could have allowed the administration and the staff representation to agree on the best course of action in order to ensure maximum adherence to the legal requirements, certainly within the margins provided by the existing framework, and to build into the 2015 exercise an improved resilience against any possible challenges.

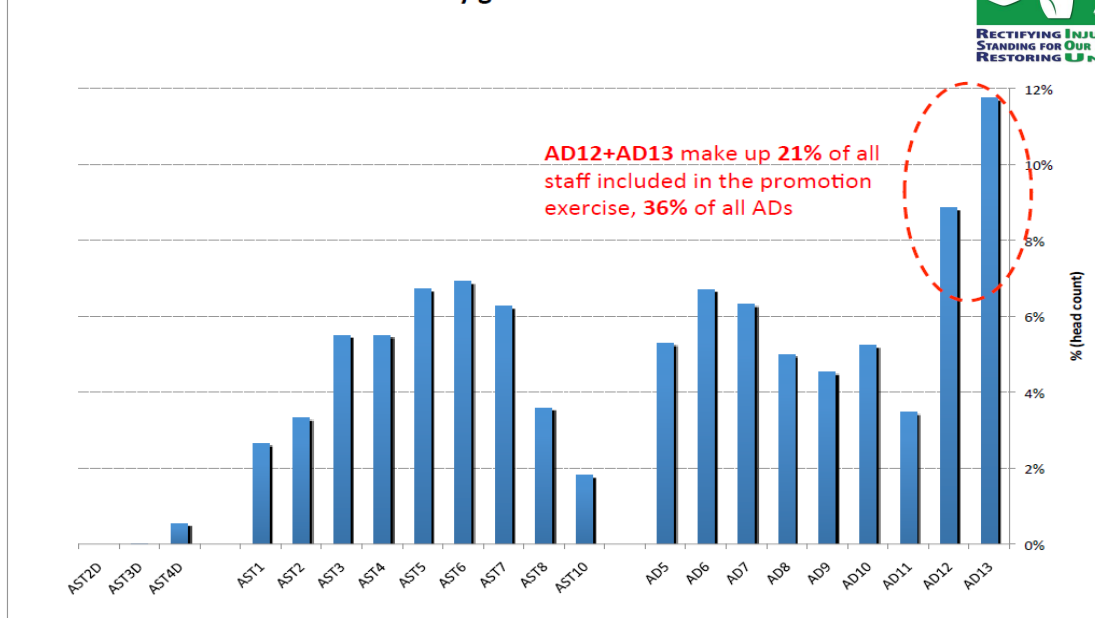
Unfortunately, DG-HR did not support our request, reiterating the conservative position that nothing is needed beyond the current procedure.

As stated in the CSC letter, we in G2004 “remain convinced that the (promotions) exercise urgently needs a critical review as we have repeatedly maintained over the past years”, documenting our (G2004) constructive criticism in the 2013 and 2014 proceedings of the Joint Promotions Committee plenary meetings ([see posts of 24/10/2014 here](#))

Subsequent to this, we read the abovementioned Court judgment as a vindication of our conviction, which sooner or later the Commission will have **no alternative** but to comply with!

**In the meantime** over the past weeks, Generation 2004 has been visiting various DGs to deliver a series of **comprehensive presentations** (which you may find [here](#)) **analysing the 2014 promotions exercise, current staff distribution in the Commission (see also table below)** and hearing the **concerns of colleagues**.

Staff distribution by grades at the EC on 1 March 2014



## SOS - Your Pension (2)

**Firstly**, let us start with **an apology** for the image of (Lady GaGa's) golden wheelchair which we included in the special edition of our last newsletter focussing on pensions ([see here](#)) and which a colleague in a wheelchair (rightly) found hurtful. **We sincerely apologise** for this! We have nothing but sheer admiration for people in such situations and although clearly not intended to offend people with disabilities in any way, our idea to include the abovementioned picture, was a gross error of judgment – period!

Beyond this however, the article seems to have **hit the nail on its head**, raising not little controversy!

Indeed, having dared to touch (lightly for now) one of their golden geese, a number of the older unions rushed to its defence, reacting strongly and vociferously, although not very convincingly.



On 20 February **YoU 4 YoU** (arguably the "high grades club" *par excellence*) dedicated 8.5 *whole* pages of rhetoric which actually say very little and most of all rebut none of our arguments ([see here](#)).

Somewhat more elegantly ([see here](#)), **R&D** attempted to enter the fray as Pontius Pilate, *inviting* (or rather challenging) all stakeholders to a debate on the pensions issue: **a challenge which from these pages we – Generation 2004 – gladly take up**, however on our *own terms*, as we will be communicating in the coming days.

However, what *really* proved the relevance of Generation 2004's arguments all along, even well beyond the issue of pensions, was a letter ([see post of 28/02 here](#)) sent to Vice-President Georgieva on 01 March by the '**Seniors of the European Public Service**'; or the **pensioners' arm of FFPE** (arguably the most conservative union *par excellence*). **Please do take the time to read it!**

We feel that aside from pointing you to the letter that we sent (as Generation 2004) to the Vice-President ([see post of 18/03 here](#)), no further comments from our side are necessary for the moment,

Having been attacked also in his capacity as a Commission official and a private citizen, G2004 Chair - Stefan Grech - also sent a separate, private letter to Mrs Georgieva.

## Elections: first success in Ispra-Seville / **crunch** time in Brussels

For the very first time, Generation 2004 successfully contested the elections for renewing the **Local Staff Committee (Commission) for JRC Ispra-Seville** (held between 13-15 April). In these elections we have managed to elect 2 (out of 21) staff committee members, putting Generation 2004 firmly on the staff representation stage in Ispra-Seville. Congratulations to our elected candidates and their alternates – **Peter Strobl/Jacopo Grazzini** and **Aris Tsois/Federico Maniaci** - and a big thanks to the other 22 candidates who also ran on the G2004 ticket and all the G2004-Ispra team; **GRAZIE RAGAZZI** ☺

Following a Staff General Assembly held on 13 March, it was decided that the (Commission's) **Brussels Local Staff Committee elections** be held between **9-11 June**. At the moment, Generation 2004 is finalising the full list of 54 candidates and putting the finishing touches to a comprehensive electoral campaign which we will roll out over the coming weeks; much more in our next newsletter. If you wish to support us in any possible way (ideas, campaigning, DG contact points, financial donation ...) or would like to put forward any questions to us, please drop us an email [here](#) or call us on 53882.

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



... funny, coming from one of the most conservative unions who continue to consider the "post-2004 problem" to be just a figment of our imagination. But then again, when elections are in the wind ... ☺



**G2004 message song of the month** (*with kind permission*) – now click [here](#) sit back, turn up the volume and listen well (P.S. don't forget to work for an extra 5 minutes 28 seconds before you go home today).

Got any ideas for the G2004 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.

If you identify with what you have read, and share our objectives, **please give us your support TANGIBLY by becoming a member** [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***

### ***Contacts:***

Stefan.GRECH@ec.europa.eu

Leja.SPILJAK@ec.europa.eu

Pascal.LE-GRAND@ec.europa.eu

Stefan.NISTOR@ec.europa.eu

**Follow us also (click) on ...**



**Website**

