

## Staff Association of the European Institutions and Agencies

# Generation 2004

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## Staff Association of the European Institutions and Agencies

# Generation 2004

*Association de fait according to the Belgian law*

### PREAMBLE

***Generation 2004** is established as an inter-institutional staff association following the successful results at the elections of the local staff committee of the European Commission, Brussels section, carried out in June 2012. In view of the responsibilities received from the electors, fully and explicitly accepted by the group, and for being able to act coherently, both within the staff representation and the social dialogue, this organizational passage is necessary. As a matter of fact, it is required by the existing Framework Agreement on relations between European Commission and the Trade Unions and Staff Associations (hereinafter ‘the Framework Agreement’, included as **Annex IV**). Furthermore, it shall improve the group’s accountability, governance, and efficiency, tackling the external challenges facing staff of the European institutions and agencies, with a particular attention for colleagues recruited after the 1<sup>st</sup> May 2004.*

***Generation 2004** recognises the special situation of the European Union in 2012, and engages itself to work considering consciously the present political and financial situation, as an expression of our duties of exemplarity and accountability towards European citizens.*

*For its action towards the external environment, **Generation 2004** commits itself to respect the principles of legality and institutional responsibility, and in particular to:*

- a) oppose any form of discrimination based on any ground –according to Art. 7 of the Framework Agreement–, such as function group, nationality, nature of connection with the European Commission, other European institutions or agencies, gender, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation,*
- 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,*
- c) participate in evidence-based, constructive, collective and transparent processes of analysis and design of actions, communication and consultation, negotiation and implementation, as well as of monitoring of policies in the field of human resources management, with a special attention to their medium and long-term consequences,*

- d) *contribute to the comprehensive, collective design of any present or future project of reform of the Staff Regulations of Officials of the European Union and the Conditions of Employment of other servants of the Union (hereinafter Staff Regulations), ensuring that the lessons learned through the 2004 reform are taken into consideration into any such project,*
- e) *give priority to the defence of collective rights over the defence of individual rights, by all ways of legal actions and negotiations,*
- f) *contribute wherever requested to the activities and responsibilities of the staff representation bodies and/or the social dialogue fora that are aligned with our above stated aim and principles.*

**Generation 2004** is equally committed, for its internal governance, to the principles of democratic participation, inclusiveness, transparency, accountability, equal treatment, prudent and sound management, institutional independence and reciprocal respect. To this end, we pledge to:

- a) *develop an organisational structure, through the following by-laws and the corresponding implementing rules that shall develop them (**Annex II**), fully oriented to the respect of these principles,*
- b) *develop internal controls and precautionary rules addressed to the prevention of conflicts of interest affecting its members,*
- c) *ensure that our governing bodies differentiate horizontal issues, affecting all the staff of the European institutions and agencies, and vertical issues, affecting the staff of a specific European institution, agency or group.*

*For vertical issues, decision rights shall be restricted exclusively to **Generation 2004** members and elected positions pertaining to the specific institution or agency concerned, constituted within our organization as a section (art. 5); in such issues, the role of other members and elected positions shall be of an advisory nature,*

- d) *welcome in our staff association any individual who, according to the membership rules established in articles 6 to 9 below, wants to contribute coherently to the above stated aims and principles, under the rules of the present by-laws.*

*According to these principles and commitments, reunited in Brussels (Belgium), as of 10 August 2012, we approve the following*

## BY-LAWS OF **GENERATION 2004**

### I. CREATION AND IDENTIFICATION

#### 1. Creation of the staff association

- 1.1 The undersigning founding members create the staff association **Generation 2004** as an “*association de fait*” according to the Belgian law.
- 1.2 The founding members of **Generation 2004** are listed in *Annex I*. By their signature, they declare to fully know and accept the whole of the present by-laws, without any exception.

#### 2. Identification data

- 2.1 **Generation 2004**’s official address is: Rue Timmermans, 54, B-1190 Bruxelles (Forest).
- 2.2 **Generation 2004**’s Bank Account is IBAN BE 55 3631 0832 0344, SWIFT BBRUBEBB.
- 2.3 **Generation 2004**’s logo is reproduced in *Annex III*.
- 2.4 **Generation 2004**’s motto is “RECTIFYING INJUSTICE – STANDING FOR OUR RIGHTS – RESTORING UNITY”.
- 2.5 Any modification of address, bank account, logo or motto must be approved by the Assembly.
- 2.6 The denomination **Generation 2004**, immediately preceded or followed by the words ‘association de fait’, defining its legal entity or by the corresponding acronym ‘adf’, as well as its logo, must appear on all the acts, bills, announcements, publications, letters and any other documents produced by the staff association.

## II. AIMS, DURATION & SECTIONS

### 3. Aims, collaborative purpose and use of resources

- 3.1 The aims of **Generation 2004** as a staff association are double-fold, general and specific, both excluding any intention of financial profit:
- a) the group's general statutory aim is to defend the values which are the basis of European Union project and a highly professional, accountable and independent European Civil Service as a cornerstone of that project.
  - b) the group's specific statutory aim is to defend the professional interests of all members of staff of the European institutions and agencies, in the benefit of the European Union and European institutions themselves, without any form of discrimination based on any ground, such as function group, nationality, nature of connection with the European Commission, other European institutions or agencies, gender, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.
- 3.2 **Generation 2004** is convinced that these interests shall be best defended within a unified European civil service, where the management of human resources results into a harmonised career structure, offering full opportunities to everybody according to his/her contribution to the service. In order to achieve this goal, **Generation 2004** intends to collaborate with the administration and with the whole staff representation in order to facilitate an efficient evolution towards such a structure, avoiding division of staff in different groups with markedly different recognition in terms of career perspectives and remuneration.
- 3.3 To this end, **Generation 2004** can receive or use any resources, including contributions in kind. These resources can be assigned by the European institutions or agencies to their staff representation, or made available by members, or by individual donors. These resources can be allocated to any activities aligned directly or indirectly with its aims, as well as to those which could develop or facilitate them.

### 4. Duration of activities

- 4.1 **Generation 2004** shall be active under the present staff association form for an undetermined period or until another suitable association form is decided by the Assembly (art. 21.8).

- 4.2 **Generation 2004** shall stop its activities after a dissolution resolution adopted by the Assembly by a majority of 4/5 (art 21.9), considering that its aims were satisfactorily reached.

## 5. Sections

- 5.1 Generation 2004 is defined as a single inter-institutional staff association structured in Sections.
- 5.2 At its foundation, Generation 2004 possessed a single Section, corresponding to the European Commission. The currently active Sections are listed in Annex V. They are considered to be established in accordance with these by-laws.

[5.3 suppressed and replaced by 5.3.1 and 5.3.2]

- 5.3.1 The creation of a Section can be requested by at least 7 full members of Generation 2004 who are employed at
- a) an institution other than the European Commission,
  - b) at an agency or
  - c) at a location that is distinct from that of the corresponding Section and where there exists or will be created a Local Staff Committee.
- 5.3.2 The request to create a Section shall be addressed to the Board. It shall be in writing and shall take into account the existing agreements concerning staff representation at that specific institution or agency.

The request shall include

- a) a proposal stating the rights and responsibilities of the Section and its governance
  - b) a proposal, if applicable, for separate finances, including membership fees, separate books and a separate bank account,
  - c) a proposal for amending these by-laws in order to incorporate the new section and, if applicable, for including or amending provisions of these by-laws which specify the rights, responsibilities and the governance of that Section,
  - d) transitional provisions, if applicable. Transitional provisions will be annexed to these by-laws.
- 5.4 The decision to create a new Section will be adopted by a qualified majority of 2/3 of the Board. The decision shall be justified in writing, guaranteeing that the principles of equal treatment and subsidiarity are respected.

- 5.5. The new Section shall be effectively created when the following three requirements are met:
- a) the Assembly approves the decision to create a new section by a qualified majority of 2/3,
  - b) the Assembly approves the corresponding adaptation of these by-laws, equally by a qualified majority of 2/3.
  - c) an assembly of members of the new Section approves the decision to create a new Section by a qualified majority of 2/3, but no less than 7 valid votes,
- 5.6 Any Section which is not represented by elected members of the Board is entitled to appoint upon its creation, by vote among its own members, one observer to the Board (art. 17.7.a) and one observer to the Steering Committee (art. 19.3.b).
- When the Board is renewed:
- a) if the Section obtains elected representation at the new Board, it shall be no longer entitled to appoint observers neither to the Board nor to the Steering Committee,
  - b) if the Section does not obtain elected representation at the new Board, it shall be entitled to confirm or renew its observers to the Board and to the Steering Committee.
- 5.7 When decisions about standard European-Commission-related business are adopted at the Board or at the Assembly, the voting rights are restricted to the members belonging to the Commission, plus the chair. Creation and suppression of sections are considered the only cases of non-standard section-related business; in both cases all members of the Board or full members of the Assembly (respecting the restrictions of art. 7.3) are entitled to vote, regardless of the section they belong to.
- 5.8 The decision to suppress a Section will be adopted by a qualified majority of 2/3 of the Board, which shall justify it in writing, guaranteeing that the principle of equal treatment is respected. Correspondingly, the Board shall develop a project of adaptation of these by-laws in order to exclude the cancelled section, complete with transitional provisions, if applicable. The Assembly shall approve both the decision to suppress a section and the corresponding adaptation of these by-laws by a qualified majority of 2/3.
- 5.9 Any Section is entitled to present its candidates to Local Staff Committee elections. Candidates have to be full members of Generation 2004. The Board shall be notified at least 8 weeks in advance of the formal notification to the local electoral committee about the intention to present candidates. If a section intends to present a common list with one or several other staff associations, the approval by the Board is mandatory.



### III. MEMBERSHIP RULES

#### 6. Types of membership

A member of **Generation 2004** can have one and only one of the following statuses: full membership (art. 7), adherent membership (art. 8) or honorary membership (art. 9).

#### 7. Full members

7.1 Full membership in **Generation 2004** is, in principle, open to any member of staff of the European institutions and agencies. All officials or other servants, either in active employment or in non-active status (secondment, leave on personal grounds, leave for military service, parental leave or family leave) can apply for full membership.

7.2 Full members are entitled take active role in the association through its governance structure. All full members have equal rights and duties, with the only exceptions listed in art. 5.3. Specifically, they have the right to address a written petition concerning any issue to the governing bodies established by articles 17, 19 and 21, and to receive an answer in writing.

7.3 Voting and eligibility rights of full members can only be suspended in the following cases:

- a) during the first thirty days of membership in the staff association (art. 7.5),
- b) in the frame of standard section-related business (art 5.7),
- c) due to a disciplinary procedure (art. 12), including the case of delayed payment of annual membership fees (art. 9.3).

7.4 Founding members (art. 1.2) are full members and enjoy the same rights.

7.5 Full membership shall be requested by filling and signing a specific application form. Through this act, applicants are committing themselves to adhere to the political principles of the association, as stated by the preamble to these by-laws, and to respect and abide these by-laws. The payment of the annual membership fee is also required.

Once an applicant meets both requirements, he or she shall become a full member, with the only temporary exception of a thirty days delay for the acquisition of voting rights in the Assembly, and of eligibility rights (art. 7.3).

The Board shall draft *Implementing rule 1*, devoted to *application for membership, acceptance and registration*, according to **Annex II**.



- 7.6 Full membership can be terminated either by resignation, through personal initiative of a member, or exclusion, through the initiative of the governing bodies.
- a) A full member can resign at any moment by addressing a signed resignation note to the Board, which, in exchange, shall notify its reception. The resignation cannot be refused or delayed. There will be no restitution of the annual membership fee.
  - b) In exceptional cases, when a full member or a group thereof are in breach of the by-laws of the staff association, the Board can submit to the Assembly a proposal for exclusion (art. 12). If the exclusion is proposed within the first thirty days of membership, there will be a restitution of the annual membership fee.
  - c) If a full or adherent member has not paid the membership fee for more than one year, the Board can decide, following a series of reminders as determined by Implementing rule 3 devoted to disciplinary procedure and guarantees, with 2/3 majority, to exclude the member from membership. In this special case a decision of the General Assembly is not necessary.

## 8. Adherent members

- 8.1 Adhering membership is open to any former or future staff of the European institutions and agencies falling in the following categories:
- a) retired staff of the European institutions and agencies,
  - b) individuals which have been members of staff of the European institutions and agencies for a period of at least two years,
  - c) individuals who are successful laureates on an standing EPSO reserve list, before becoming official or other servant of the European Union institutions.
- 8.2 Adherent members can attend the meetings of the general Assembly or other **Generation 2004** meetings, without voting or eligibility rights.
- 8.3 Application and termination rules for adherent members are identical to those for full members, excepting the annual membership fee payable.

## 9. Honorary members

- 9.1 Individuals who have demonstrated an outstanding participation and contribution to the European project can be appointed as honorary members of **Generation 2004**.
- 9.2 The appointment of an honorary member is approved by the Assembly, at proposal of the Board. It shall be accepted in writing by the honorary member.

- 9.3 Honorary members have the same rights and duties as adherent members, as of art. 8.2, and they are exempt from annual membership fees.
- 9.4 Former elected members of **Generation 2004** Board who leave the institutions or agencies shall be automatically appointed as honorary members.

## 10. Register of members

- 10.1 The secretary of the Board shall keep an updated register of members, listing
- a) the condition of the member, as full, adherent or honorary,
  - b) the institution or agency of reference, in case of members in active employment, in leave, retirees or ex-employees; or her/his EPSO reserve list, for adherent members in such a condition,
  - c) her/his contact data, including a valid private / professional address and e-mail,
  - d) her/his identification data, according to *Implementing rule 1: application for membership, acceptance and registration*.

The register shall respect the provisions of the European data protection legislation. Any member is entitled to verify at any moment the details of his/her inscription at the register, presenting a written request to the secretary.

- 10.2 The secretary of the Board shall keep a separate sub-register of members belonging to the European Commission, as of art. 7. and 8.1.a, in order to comply with the requirements of the framework agreement. He/she shall report quarterly to the Board and annually to the Assembly about the tally of the sub-register and any variation thereof.
- 10.3 The Board shall mandate the secretary to keep any sub-register analogous to that mentioned in art. 10.2 above, in case it is requested by other European institutions or agencies for granting any elected representation of **Generation 2004** the full status of staff representative or equivalent within their respective organization.
- 10.4 Members are fully responsible for communicating to the secretary of the Board, in writing, any variation of his/her professional status and/or contact data. The secretary shall ensure that the data are properly recorded.
- a) If the variation affects the status of the member as for articles 7 and 8, the secretary shall propose to the Board the corresponding re-assignment of status. The decision of the Board shall be notified in writing to the affected member.

- b) If the variation affects the sub-registers mentioned in art. 10.2 and 10.3, the secretary shall conduct the appropriate verifications in order to update the register.
- 10.5 Data of members leaving the staff association by any reason shall be promptly deleted from the register of members and, if applicable, from the corresponding sub-register(s).
- 10.6 Without prejudice to article 10.5, a record on former members, who have been excluded from membership according to a disciplinary procedure, will be kept. The record shall comprise the last name, the first name, the entry and the leaving date of each former member and is kept for a period equalling the duration of the maximum delay for a re-admission into Generation 2004 adf that can be imposed according to Implementing Rule 3 devoted to disciplinary procedure and guarantees.

## 11. Ethical duties of members

- 11.1 All members, irrespective of their status, pledge to comply with the by-laws and the implementing rules of the staff association, and to contribute to its governance through the participation in the Assembly.
- 11.2 The Board shall draft *Implementing rule 2*, devoted to *ethics and conduct rules*, according to **Annex II**, addressing, among others, possible situations of conflict of interest, hindrances to governance, as well as internal and external incompatibilities.

## 12. Disciplinary procedure

The Board can initiate a disciplinary action against any member of **Generation 2004**, including Board or Steering Committee members, or group of members who would enter through their actions or declarations in a situation of conflict of interest, breaching the ethics and conduct rules, impairing the independence of the association, or in open contradiction to the aims and principles of the association, or who does not systematically respect the rules or by-laws.

To this end, the Board shall draft *Implementing rule 3*, devoted to *disciplinary procedure and guarantees*, according to **Annex II**. It shall formalize, among other issues:

- a) the types of disciplinary sanctions to be applied (written reprimand, suspension, and exclusion),
- b) the right to be heard by the Board of any member under disciplinary action,
- c) the procedure to be followed by the Board to propose a disciplinary sanction to the Assembly and for its approval,
- d) the special provisions to be followed for members of the Board or of the Steering Committee who are under disciplinary action.

## IV. FINANCIAL AND STAFF GOVERNANCE

### 13. Financial budgeting & governance

13.1 The financial year of the staff association coincides with the calendar year.

13.2 The treasurer shall draft a budget project, including both financial resources and other resources as facilitated by the administration under the Framework Agreement. The budget will contain chapters of income and expenditure clearly differentiated for each of the existing sections. After approval of the Board, the budget project shall be referred for definitive approval to the Assembly. This budget project shall necessarily include a staff plan (art. 15.1), and a proposal for annual membership fees (art. 14.1). The treasurer is also responsible for the bookkeeping and the drafting of the annual accounts.

The Board shall draft *Implementing rule 4*, devoted to *financial management and reporting*, according to *Annex II*. Whenever it is applicable, the implementing rule shall ensure the respect of financial management requirements set out by the European Commission for staff organisations.

13.3 The treasurer shall report quarterly to the Board and yearly to the Assembly about the execution of the budget and its parts. Any full member with voting rights shall have right of access to the corresponding reports.

13.4 Any increase of expenditure or decrease of income equal or greater of 10% of the annual budget shall be explicitly included in the Board agenda, and subject to separate discussion and approval.

If the increase of expenditure is equal or greater to 25% of the annual budget, it shall be also submitted to an *ad-hoc* extraordinary Assembly for its definitive approval.

13.5 The Board shall propose to the Assembly one or more intended destinations for using any financial surplus which exceeds the maximum reserve of 10% of the yearly budget. The Assembly decision shall be executed by the treasurer at the shortest delay.

13.6 Payment responsibilities shall always be jointly exercised by the chair or vice-chair, together with the treasurer, and they shall either correspond to a budgeted payment, or be approved explicitly by the Board.

13.7 **Generation 2004** shall abstain from entering, either independently or jointly, as well as directly or indirectly, in any commercial credit operations.

#### 14. Annual membership fees and donations

- 14.1 The Board can propose to the Assembly annual membership fees differentiated per member status, and/or per grade or employment status.
- 14.2 Suspension of the membership due to unpaid annual membership fees shall be regulated by *Implementing rule 3*, devoted to *disciplinary procedure and guarantees*.
- 14.3 Individual non-anonymous donations are accepted, subject to the approval of the Board, which shall report annually about them to the Assembly. All anonymous donations will be refused.

#### 15. Staff planning & governance

- 15.1 The staff plan referred in art. 13.2 shall differentiate among staff *recruited* and *seconded*. It will contain chapters clearly differentiated for each of the existing sections. It shall include:
  - a) a comprehensive description of the staff needed for the yearly exercise by **Generation 2004**,
  - b) a detailed description of roles, functions and objectives for every single position or part-time position,
  - c) a timeline detailing foreseen departures and arrivals,
  - d) a plan for selection procedures to be conducted along the year.
- 15.2 The staff plan shall define clearly
  - a) any foreseen comprehensive costs related to 'staff recruited', supported by the advice of a labour-law qualified specialist,
  - b) the correspondence of 'staff seconded' to the resources available to **Generation 2004** under the existing agreements with the corresponding administration, according to the electoral result obtained.
- 15.3 Any increase or decrease to the staff plan shall be explicitly included in the Board agenda, and subject to separate discussion and approval.  
Any increase involving one full equivalent person or more shall be also subject to a detailed analysis of the financial and/or resourcing feasibility and submitted to an *ad-hoc* extraordinary Assembly for its definitive approval.
- 15.4 Management responsibilities regarding recruitment or secondment shall always correspond to the staff plan.
  - a) for recruitment, they shall be jointly exercised by the chair or vice-chair together with the secretary and treasurer, applying a contract previously approved by a qualified legal adviser,
  - b) for secondment, they shall be collegially exercised by the Board.

- 15.5 Within recruitment or secondment procedures, members of the Board shall abstain from voting decisions when:
- a) the staff concerned by a proposed recruitment or secondment is related to them in any way which could raise a conflict of interest, and especially through personal or professional (within the institutions, apart from the activities of **Generation 2004**) relationship.
  - b) the member himself/herself is concerned by the proposed secondment.
- 15.6 All staff shall be subject to a yearly assessment, relative to their roles, functions and objectives as defined by art. 15.1.b.
- a) for recruited staff, the yearly performance assessment shall be jointly exercised by the chair or vice-chair together with two elected members of the Board. The assessment report shall be approved by the Board, after hearing the member of staff.
  - b) seconded staff shall perform a yearly self-assessment. The self-assessment report shall be discussed and approved by the Board, after hearing the seconded individual.
- 15.7 The Board shall draft *Implementing rule 5*, devoted to *staffing: planning, selection and assessment*, according to **Annex II**. It shall include, among other: definition and budgeting of staff plans; recruitment and secondment rules (transparent advertising of positions, assessment of applicants through a panel, selection decisions); and performance assessments.

## 16. Secondment decisions

- 16.1 Secondment decisions shall be exclusively adopted in the interest of **Generation 2004** aims, under a defined staff plan (art. 15.1), within the limits of the resources effectively granted to the staff association by the administration (art. 15.2.b). Both full-time and part-time secondment can be considered.
- 16.2 Secondment decisions shall as a rule,
- a) give preference to elected staff representatives over non-elected,
  - b) give preference to internally elected members of the Board over general full members,
  - c) take into consideration demonstrated service to the staff association.
- 16.3 The maximum validity of secondment decisions
- a) for elected staff representatives, is the effective period of their electoral mandate. Any extension shall be approved by the Assembly.
  - b) concerning other staff, shall be one year, renewable. The Board can propose to the Assembly their renewal twice for a total period not exceeding three years.

## V. GOVERNING BODIES AND CONSULTATIVE BODIES

### 17. Composition and business of the Board

- 17.1 The Board is the executive governing body of **Generation 2004**. As such, it will strive to enforce at every moment the principles of collegiality, transparency, accountability, prudent management, and institutional independence.

The Board is entitled to take all the necessary management decisions in order to achieve the aims and objectives of **Generation 2004**, subject to the present by-laws.

The Board is entitled to propose a transformation of the actual legal form of 'association de fait' (art. 1.1) into another legal form after the foundational period. This decision shall be approved by the Assembly by a qualified majority of 2/3.

- 17.2 The Board of **Generation 2004** consists of nine full members and is elected by the Assembly. The mandate of elected members of the Board is three years and may be renewed once.

Any member of the Board either renouncing at the formation of the Board or resigning along its mandate, shall be promptly replaced by another full member.

The Board shall draft *Implementing rule 6*, devoted to *internal electoral rules*, according to **Annex II**, regulating both election and replacements.

- 17.3 The Board members appoint among themselves a chair and a vice-chair. They will also appoint a secretary and a treasurer, either among themselves or selecting full members. All Board positions and other mandates of **Generation 2004** are non-paid.

- 17.4 Decisions of the Board shall be, to the extent possible, taken by consensus. Nevertheless, the following voting principles shall be applied:

- a) When the Board adopts decisions about standard section-related business at the Board (art 5.7), the voting rights are restricted to the members of the Board belonging to that section, plus the chair.
- b) In cases when a vote is needed, the decisions of the Board are taken by simple majority (with the chair having a quality, tie-resolving vote), except for the cases where these by-laws establish a qualified majority.
- c) The members of the Board can either vote directly or from distance, or delegate their vote to other fellow-member by documented proxy. Voting is recorded, unless the chair, after hearing the Board, approves a secret vote. Dissenting minorities can request that their positions be recorded in the minutes.



- 17.5 The minutes of the Board, taken and filed by the secretary, are available to any full member.
- 17.6 The Board shall draft *Implementing rule 7*, devoted to *governance and functioning of the Board*, according to *Annex II*. They shall deal, among all, with the operational duties and responsibilities of itself as a collegial body, of its chair, vice-chair, treasurer and secretary; with the frequency and organization of its meetings; and with the decision procedures to be followed.
- 17.7 Full members appointed as observers to the Board can take the floor at its meetings but have no voting rights.
- a) Any section not represented at the Board by elected members (art. 5.6) is entitled to appoint one observer to the Board.
  - b) For an institution or agency represented within the full members of **Generation 2004**, but not constituting a section, the Board can propose the appointment of one observer to the Board, subject to the approval of the Assembly.

## 18. Approval or dismissal of the Board

- 18.1 During its three years mandate, the Board shall request the explicit approval of its Annual Board Report at every ordinary Assembly. The Assembly can approve this report by a simple majority. Should it not be approved, the chair of the Assembly shall immediately put to a simple majority vote whether to request corrective measures to the Board, or to consider its dismissal .
- a) In the case of corrective measures requested, the Assembly shall mandate a committee of five full members to develop the measures in agreement with the Board and to report in one month time to the Assembly.
  - b) When the Assembly has decided to consider the dismissal of the Board, a new qualified majority vote (2/3) shall be taken. Should the vote succeed, the Board shall be immediately dismissed, together with the Steering Committee, and *an interim* Board shall be appointed by the Assembly for organizing new elections within one month.
- 18.2 An extraordinary Assembly can be convoked according to art. 20.2.b to dismiss the Board, deciding by qualified majority vote, and following the procedure of art. 18.1.b above.

The dismissal motion can be included in any Assembly extraordinary or ordinary, at the request of 20% of the full members. In order to be receivable, no dismissal motion again the same Board should have been presented in the preceding six months.

In this specific sense, it is considered to be ‘the same Board’ when at least the chair or vice-chair stay, as well as 50% of its members.

## **19. Steering Committee: composition and functions**

- 19.1 The Steering Committee is the consultative governance body of **Generation 2004**. As such, it issues political and operational guidelines and opinions. It will strive to enforce at every moment the principles of collegiality, transparency, accountability, prudent management, and institutional independence.
- 19.2 The Steering Committee of **Generation 2004** consists of
- a) the candidates of **Generation 2004** lists having obtained an electoral mandate resulting from staff representation elections in independent or joint lists approved by **Generation 2004**, unless they are members of the Board,
  - b) additional *ad-hoc* members (full, adherent or honorary) approved by a qualified majority of the Board, up to a maximum of twenty members.
- The composition of the Steering Committee shall aim to ensure the presence of a number of members from every constituted section proportional to its importance.
- 19.3 Members (full, adherent or honorary) appointed as observers to the Steering Committee can take the floor at its meetings but have no voting rights.
- a) Members of the Board other than its chair are entitled to act as observers to the Steering Committee.
  - b) Any section not represented at the Board by elected members (art. 5.6) is entitled to appoint one observer to the Steering Committee.
  - c) For an institution or agency represented within the members of **Generation 2004**, but not constituting a section, the Board can appoint one observer to the Steering Committee.
- 19.4 The Steering Committee is chaired by the chair of the Board; it elects itself its vice-Chair and secretary.
- 19.5 The Steering Committee approves its guidelines and opinions by a simple majority, regarding subjects submitted by the Board, or included in its agenda by a group of five or more of its own members.
- 19.6 The Board reports quarterly about its management results and plans to the Steering Committee.

- 19.7 The Board shall take into consideration the guidelines and opinions approved by the Steering Committee, justifying in a documented way any final decision contrary to the guideline or opinion. The annual Board report to the Assembly shall necessarily include a section exposing in detail any such a case.
- 19.8 The Steering Committee reports annually to the Assembly and periodically to the Board.
- 19.9 The Board shall draft *Implementing rule 8*, devoted to *governance and functioning of the Steering Committee and its subcommittees*, according to ***Annex II***.

## **20. Subcommittees: composition and functions**

- 20.1 Sub-committees of the Steering Committee are created on *ad-hoc* basis to work on specific topics of interest for the professional association. The decision creating a sub-committee shall define its written mandate, stating its goals, its scope and its foreseen duration.
- 20.2 Sub-committees are formed
  - a) by the chair, chosen either among the Board or the Steering Committee,
  - b) by other members (provided that full members form a majority of the sub-committee).
- 20.3 Sub-committees are appointed by the Steering Committee which approves by simple majority their mandate and composition, and confirmed by the Board by simple majority.
- 20.4 Sub-committees report regularly about the results of their work to the Steering Committee, either at their own initiative or at the request of the Steering Committee.
- 20.5 Any change of mandate or composition of working sub-committees shall be approved by the Steering Committee as of art. 20.3.

## **21. Assembly: composition and functions**

- 21.1 The Assembly is a sovereign governing body of ***Generation 2004***. As such, it will strive to enforce at every moment the principles of democratic representation, collegiality, transparency, and institutional independence.
- 21.2 The Assembly is formed by all members. The voting rights of full members at the Assembly become effective after thirty days of membership.

- 21.3 The Assembly is chaired by the chair of the Board; it elects itself its vice-chair and secretary.
- 21.4 The Assembly can meet either in an ordinary or extraordinary format.
- a) The ordinary Assembly is convened by the Board once a year, no later than the 30<sup>th</sup> of June.
  - b) The extraordinary Assembly can be convened by the Board either on its own initiative, or at the request of the Steering Committee or of a group of 1/5 of full members. The request to convene the Assembly shall be delivered in writing and include an agenda.
- 21.5 The Assembly shall be convoked a minimum of five working days in advance, with a defined agenda, and an established place, time and hour. Its rules shall allow for proxy representation of members (limited to a maximum of 10 proxies per representing member), and for distance participation and voting.
- 21.6 For a valid constitution, the Assembly needs to reach a quorum of full members, equal to half the number of the full members with voting rights plus one. To this end, both full members participating in the meeting plus full members represented by proxy are counted.
- Whenever this quorum is not reached at the first meeting, the chair can convene a second meeting within the same day, keeping the same agenda and meeting place, where no quorum rules are applicable.
- 21.7 The Assembly adopts the following decisions by simple majority:
- a) the election of the Board (every three years, or whenever the Board is dismissed or resigns)
  - b) the approval of the annual Board report, including the financial execution report, and of the annual plan, including the yearly budget,
  - c) the approval of the annual accounts
  - d) the approval of the annual Steering Committee report,
  - e) the approval of any increases in expenditure which are equal or greater to 25% of the approved annual budget,
  - f) The approval of any increases in staff equal or greater than one equivalent full time person, relative to the approved annual staff plan,
  - f) the appointment of honorary members,
  - g) the appointment of a disciplinary committee, when necessary,
  - h) the appointment of any *ad-hoc* committee proposed by the Board (art. 21.11),
  - i) the modification of the name, address, bank account, logo or motto proposed by the Board,

- j) the approval of implementing rules or of their modifications (*Annex II*),
- k) any other decision concerning items included in the agenda, excepting those explicitly addressed in articles 21.8 and 21.9 below, or requested by law.

When counting votes for a simple majority, non-valid votes, blank votes and abstentions shall not be taken into account. In case of a tie, the vote of the chair will be determinant.

21.8 The Assembly adopts the following decisions by qualified majority of 2/3:

- a) the acceptance of any appeal in disciplinary proceedings,
- b) the modification of these by-laws, including the change of association form on request of the Board,
- c) the addition of new implementing rules, or the splitting or combination of existing implementing rules (*Annex II*),
- d) the dismissal of the Board,

and any other decisions where a qualified majority is requested by law.

When counting votes for a qualified majority, non-valid votes, blank votes and abstentions shall be assimilated to negative votes, contrary to the proposed decision.

21.9 The Assembly can decide the dissolution of the staff association by a special qualified majority, of 4/5 of the present full members)

When counting votes for a special qualified majority, non-valid votes, blank votes and abstentions shall be assimilated to negative votes, contrary to the proposed decision.

21.10 The Assembly can invite or accept non-members guests (with the right to ask for the floor) or observers (without the right to ask for the floor).

21.11 The Assembly can appoint *ad-hoc* committees for whatever goals it considers appropriate, provided they do not interfere with the functions of the Board and Steering Committee. Possible goals are, among others, facilitation of disciplinary cases, preparation of the modification of by-laws or implementing rules or, preparation of electoral periods.

The Assembly shall approve their mandate (stating goals, scope and foreseen duration) and composition.

The Board shall facilitate the work of the *ad-hoc* committees.

The *ad-hoc* committees shall report to the Assembly.

## **22. Ethical duties related to elected or appointed positions**

- 22.1 All elected or appointed positions pledge to always engage sincerely and prudently any member of ***Generation 2004***, so as any other colleague of the representative unions or staff associations and of the European institutions.
- 22.2 The Board shall draft *Implementing rule 2*, devoted to *ethics and conduct rules*, according to ***Annex II***, addressing possible situations of conflict of interest, hindrances to governance, and internal and external incompatibilities, among others.

## *Annex I – Founding members*

*(only available to members for data protection reasons)*



## ***Annex II – Implementing rules***

A2.1 The Board shall draft implementing rules for developing the present by-laws, according to the following list:

*Implementing rule 1: application for membership, acceptance and registration*

*Implementing rule 2: ethics and conduct rules*

*Implementing rule 3: disciplinary procedure and guarantees*

*Implementing rule 4: financial management and reporting*

*Implementing rule 5: staffing – planning, selection and assessment*

*Implementing rule 6: internal electoral rules*

*Implementing rule 7: governance and functioning of the Board*

*Implementing rule 8: governance and functioning of the Steering Committee and its subcommittees*

A2.2 Draft implementing rules will be approved by the Board by a simple majority and submitted to review of the Steering Committee, which will express in writing an opinion about their coherence with the by-laws and with previously existing implementing rules, so as about their assessed effectiveness. After the review, the Board will either proceed to any requested modification of the draft, or justify in writing why the modification requested shall not be included in the draft. The reviewed draft will be submitted to the approval of the Assembly, again by a simple majority, in order to become valid implementing rules.

A2.3 The same approval and review criteria shall be applied for any modification of the implementing rules, excluding their division or combination.

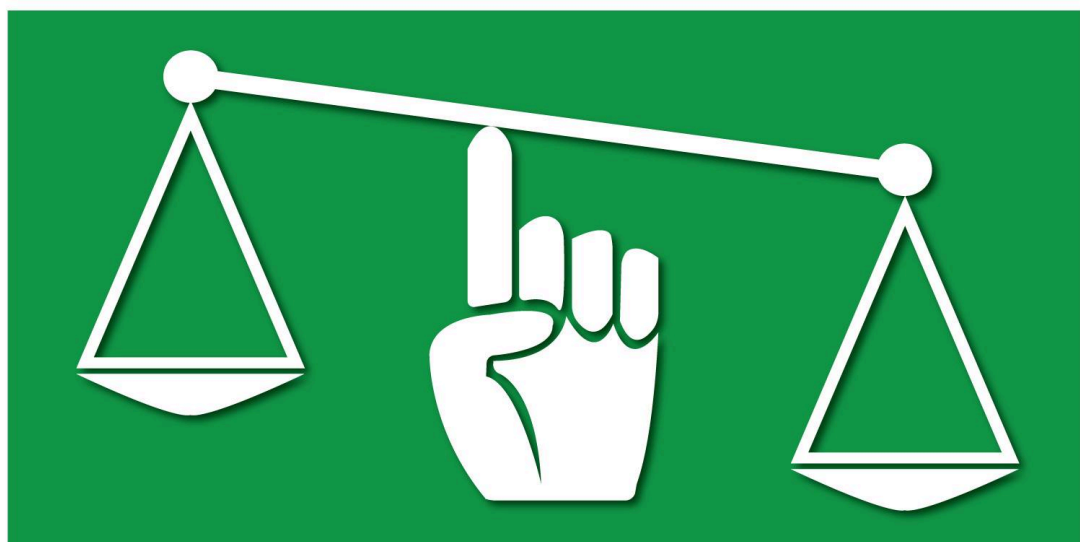
A2.4 Division or combination of existing implementation rules, so as the creation of new implementing rules, shall be dealt with as a modification of the by-laws (art. 21.8.b).

A2.5 The Board will ensure the adequate publicity to the valid implementing rules. Any member is entitled to request and obtain from the secretary an updated copy.

***Annex IIIa – Logo of Generation 2004***

*[to be reproduced in full colour whenever possible]*

**GENERATION 2004**

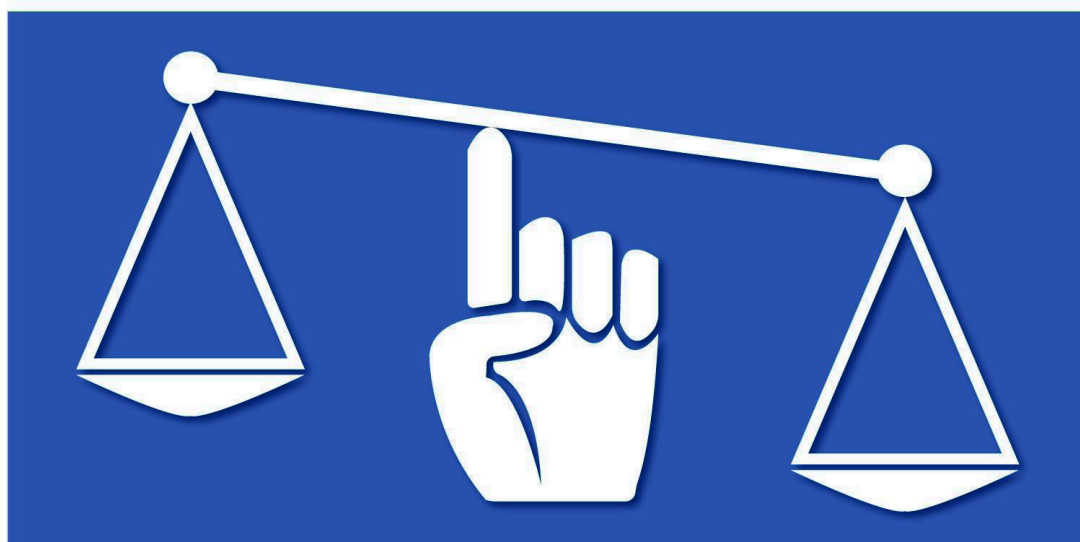


**RECTIFYING INJUSTICE  
STANDING FOR OUR RIGHTS  
RESTORING UNITY**

***Annex IIIb – Colour variante of the logo of Generation 2004,  
used by the Consilium section***

*[to be reproduced in full colour whenever possible]*

**GENERATION 2004**



**RECTIFYING INJUSTICE  
STANDING FOR OUR RIGHTS  
RESTORING UNITY**

## ***Annex IV – Framework Agreement***

### **AGREEMENT ON RELATIONS BETWEEN THE EUROPEAN COMMISSION AND THE TRADE UNIONS AND STAFF ASSOCIATIONS (“FRAMEWORK AGREEMENT”)**

The European Commission, represented by Siim Kallas, Vice-President of the European Commission with responsibility for administrative affairs, audit and anti-fraud,

of the one part,

AND:

the trade unions and staff associations listed below,

of the other part:

*[FFPE, TAO-AFI (Alliance), alliance Confédérale des syndicats libres, Unions syndicale fédérale, Confédération/SFE, Conf./SFE, R&D (Alliance), Solidarité européenne Luxembourg (Alliance), Solidarité européenne Bruxelles (Alliance), SFIE Bruxelles (Alliance), Union syndicale Bruxelles, A&D (Alliance), UHSU]*

- Having regard to Articles 9(3), 10, 10a, 10b, 10c, 24b and 55 of the Staff Regulations of Officials of the European Communities;
- Having regard to Articles 11, 54 and 81 of the Conditions of Employment of Other Servants of the European Communities;
- Having regard to Articles 27 and 28 of the European Charter of Fundamental Rights;
- Having regard to the 1974, 2003 and 2006 Framework Agreements;

HAVE AGREED AS FOLLOWS:

#### **Title 1: General provisions**

##### **Article 1: Scope**

This Framework Agreement governs relations between the European Commission and the trade unions and staff associations.

The trade unions and staff associations shall act in the general interest of the staff without prejudice to the powers conferred on the staff committees by the Staff Regulations.

##### **Article 2: Freedom of association**

The parties to this Framework Agreement confirm their support for freedom of association.

Officials, retired officials and other servants of the European Commission may be members of a trade union or staff association of European officials.

##### **Article 4: Membership of a trade union**

Membership of a trade union or staff association, participation in trade union activities or the holding of office in a trade union shall in no way adversely affect the member's professional position or career.

##### **Article 3: Role of the trade unions and staff associations**

The European Commission wishes to underline its recognition of the importance of the role and responsibility of the trade unions and staff associations by involving them in the most transparent and effective way possible in the life of the Union's institutions and bodies.

##### **Article 5: Exchange of information**

The trade unions and staff associations shall be fully independent in their actions and shall send the Commission their articles of association and the names of their elected officials. Likewise, the Commission shall send the trade unions and staff associations all the relevant information on its organisation and on those responsible in the field of policy and staff management.

## **Title 2: Trade unions**

### Article 6: Recognition

The parties agree on the principle of official recognition of the trade unions and staff associations of European Commission personnel.

This recognition implies the acceptance by each party of the other as a social dialogue partner.

### Article 7: Criteria for recognition of the trade unions and staff associations

Trade unions and staff associations shall be recognised:

- if they declare that their statutory aim is the defence of the interests of all members of staff without any discrimination based on any ground, such as function group, nationality, nature of connection with the Commission, gender, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;
- if they confirm that they have been legally constituted.

### Article 8: Groupings of recognised trade unions and staff associations

Recognised trade unions and staff associations may act alone or may form groupings of recognised trade unions and staff associations.

A grouping is defined as an organisational structure of a federal, confederal or other nature, governed by an official agreement notified to the European Commission, bringing together two or more recognised trade unions or staff associations in one or more places of employment.

The term “organisation” shall be used in this Agreement to refer either to a trade union/staff association or to a grouping thereof.

The organisations may be affiliated to international and/or national trade union organisations.

### Article 9: Representativeness of the organisations

The European Commission shall recognise as representative the recognised organisations which meet the following two criteria:

- they represent at least **6%** of European Commission staff at central level and 5% at local level (in a single place of employment);
- they have at least **400** fully paid-up members who are officials, other servants or retired officials of the European Commission.

Organisations meeting the above representativeness criteria shall be permitted to sign this Framework Agreement as signatory representative organisations.

Their signature may be accompanied by the co-signature of the member elements of the signatory representative groupings.

### Article 10: Representativeness criteria to be fulfilled by the organisations

a) The results of the statutory elections of the local sections of the Staff Committee shall be calculated as follows.

The calculation shall be based on the number of votes cast and weighted in accordance with the method laid down in Annex 2. The adjustment of representativeness as provided for in Annex 2 shall take place after a complete round of elections for the local sections of the Staff Committee.

However, at the written request of a representative organisation, the adjustment may be made on the occasion of each election of a local section of the Staff Committee.

b) The number of members of the organisations shall be notified by a declaration by the chairman of the organisation to an independent body selected in accordance with the concertation rules.

After verification, this body shall notify the Administration as to whether or not the organisations exceed the threshold. The verification procedure shall be as follows: submission of a copy of the organisation's articles of association, of proof that the members are fully paid-up and of

documentation proving that regular meetings are held by the organisation with its members. The declaration and the verification of the threshold of the representative organisations shall be made every three years.

The independent body may not under any circumstances notify the Administration or any other body of the exact number of members of an organisation.

Article 11: Loss and restoration of representativeness.

Any signatory representative organisation which no longer meets one of these criteria shall be notified by the Administration and its rights as a representative organisation under this Framework Agreement shall be suspended within three months.

Such rights shall be immediately restored on verification that the thresholds in question have again been reached.

The Administration shall notify the other signatory representative organisations accordingly.

### Title 3: Concertation

#### Article 12: Partners

The representative organisations which are parties to this Framework Agreement may conclude agreements with the European Commission through the concertation procedure in accordance with the arrangements set out in this Framework Agreement.

#### Article 13: Programming of the proceedings

At the beginning of each year, the Commission shall send the recognised organisations a provisional list of the main items that are to be the subject of social dialogue.

This list may change according to the Commission's work programme and current social issues at any given time.

Without prejudice to any changes that may be made in the course of the year, the signatory representative organisations may also inform the Commission of the list of items they wish to have discussed within the framework of social dialogue.

In cooperation with the signatory representative organisations, the social dialogue unit shall be responsible for establishing, as necessary and at the request of one of the signatory parties, a list of items to be tabled for discussion within the framework of social dialogue and for ensuring their preparation and follow-up.

#### Article 14: Scope of social dialogue

1. Social dialogue may relate to any matters relating to staff policy and the working conditions of officials and other servants.
2. Concertation may be held in connection with:

- amendments to the Staff Regulations of Officials, the annexes thereto and the Conditions of Employment of Other Servants
- new rules and decisions or amendments to existing rules and decisions concerning implementation of the Staff Regulations of Officials or the Conditions of Employment of Other Servants.

There shall be no concertation on the implementation of existing rules and decisions. Such matters fall solely within the competence of the Staff Committee (with the exception of those discussed at social dialogue meetings), which can use the normal procedures for consultations with the Administration.

3. However, where there is major disagreement at central or local level following a decision implementing existing rules, concertation may take place at the technical and/or political level once all the normal procedures for consultations with the Administration have been exhausted.
4. Concertation shall be organised with DG ADMIN in accordance with the procedures and conditions laid down below.

However,

- where matters in areas falling within the competence of the appointing authority or the authority responsible for concluding contracts of employment are dealt with by DG RELEX, Annex 3 shall apply;
- where matters in areas falling within the competence of the appointing authority



or the authority responsible for concluding contracts of employment are dealt with by DG RTD or DG JRC, Annex 4 shall apply.

5. In addition, at the request of a signatory representative organisation or of the Administration, a social dialogue meeting may be held at the appropriate level, including at local level.

Such social dialogue meetings may be held about any matters relating to staff policy and the working conditions of officials and other servants which do not fall within the scope of concertation.

#### Article 15: Concertation bodies

Concertation shall take place in a concertation body made up of a maximum of 25 members of the signatory representative organisations distributed on the basis of their respective representativeness as perceived at the central level of the European Commission.

Each signatory representative organisation shall be free to decide on the composition of its delegation and may, in addition, invite two persons to provide technical assistance.

The composition of the concertation body is laid down in Annex 1. The composition of the body shall be adjusted after a complete round of elections to the local sections of the Staff Committee.

However, at the written request of a signatory representative organisation, the adjustment may be made on the occasion of each election of a local section of the Staff Committee.

However, in the case of political concertation and at the request of the European Commission or of a signatory representative organisations, the concertation body may sit in a restricted configuration of a maximum of 15 members of the signatory representative organisations.

Each signatory representative organisation shall be free to decide on the composition of its delegation. A maximum of four persons may be invited to provide technical assistance.

The restricted composition of the concertation body is set out in Annex 1.

#### Article 16: Concertation levels

Concertation shall operate at three levels:

- administrative, with the departments responsible (Director) and/or the representative for social dialogue

- technical, with the Director-General of DG ADMIN
- political, with the Commissioner responsible for personnel and administration.

At each concertation level, the signatory parties shall work to reach an agreement.

#### Article 17: Administrative and technical concertation

Administrative or technical concertation is organised at the request either of the Administration or of a signatory representative organisation.

Technical concertation may be organised either directly or in the event of disagreement following administrative concertation.

Requests submitted by the signatory representative organisations must be presented and justified as clearly as possible in writing.

The Administration has ten working days to grant a request for concertation.

Refusals to grant concertation must be justified in writing.

The timetable for the preparation and holding of concertation meetings must be notified within ten working days of acceptance of the request following prior consultation of the signatory representative organisations.

Concertation shall begin after the relevant documents have been sent within six weeks of the Administration's reply to the request for concertation.

If the request for concertation is refused, a social dialogue meeting shall be held at administrative level at the request of a signatory representative organisation.

#### Article 18: Political concertation

Political concertation shall take place with the Commissioner responsible for personnel and administration.

Following technical concertation, political concertation may be held if there is disagreement on the part of the members of the concertation body representing the majority of the signatory representative organisations.

Where there is majority agreement at technical level, one or more signatory representative organisations with at least 20% representativeness at central level may request political concertation.



Following technical concertation, if there is unanimous agreement on the part of the members of the concertation body representing the signatory representative organisations, the concertation process shall be closed.

#### Article 19: Outcome of concertation

Following concertation at any level, a document recording the majority agreement or disagreement shall be drawn up after verification of the positions of the signatory representative organisations taking account of their representativeness calculated according to the table in Annex 1.

After concertation, each signatory representative organisation must indicate a single position.

The positions of the member elements of the representative trade unions and staff associations may be indicated in the record of the concertation proceedings.

#### Article 20: Conciliation procedure

In the event of persistent disagreement at political level, either the Commissioner or the signatory representative organisations may propose the opening of a conciliation procedure.

This procedure shall involve:

- for conciliation proceedings proposed by the trade unions and staff associations, the sending to the Commissioner of a request for the opening of a conciliation procedure listing the items submitted for concertation;

- the opening of a cooling-off period during which the Commissioner shall report to the full Commission on the positions of all the parties; this period should not generally exceed ten working days;
- the convening of a conciliation meeting, which shall take place at a meeting of the concertation body sitting in restricted configuration.

#### Article 21: Interinstitutional concertation

Participation by the signatory representative organisations and the Administration of the European Commission in interinstitutional concertation proceedings shall take place in accordance with the Commission rules in force, particularly as regards respect for the representativeness of the organisations.

Before participation by the European Commission in interinstitutional concertation proceedings, a preparatory meeting may be held between the signatory representative organisations and the Administration.

The results of interinstitutional concertation negotiations may be submitted for validation within the European Commission in the concertation bodies provided for by this Framework Agreement.

However, if the Commission and a majority of the signatory representative organisations consider that such validation is not necessary, they need not submit the results to the said concertation bodies.

### **Title 4: Exercise of trade union rights**

#### *Chapter 1: Conditions for the exercise of trade union rights*

#### Article 22: Trade union premises

The Administration shall make premises available to the representative organisations or their member elements for activities directly involving Commission staff.

These premises must be located in the Commission's administrative buildings.

The representative organisations shall be requested not to declare these premises as the offices of their non-profit-making association ("ASBL").

#### Article 23: Meetings

The representative organisations (and their member elements) shall have the right to hold meetings in the administrative buildings.

Staff attending these meetings must comply with the security rules in force in Commission premises and follow the instructions of the Commission's security services.

One or more recognised organisations (or their member elements) may call general meetings of the staff provided that they give the competent authority at least two working days' notice.

#### Article 24: Sending e-mails to staff

The Administration may authorise the representative organisations (and their member



elements) to send e-mails from their functional inbox to all staff.

A specific code of good practices shall apply to the sending of these e-mails.

Article 25: Distribution of trade union documents

Trade union documents shall be distributed to staff offices in the administrative buildings by the central and DG internal mail departments.

Recognised organisations may use the internal mail service to distribute this mail to staff.

Article 26: Administration facilities to be made available to the organisations

For the purpose trade union activities, the Administration may authorise the recognised organisations to use the Commission's translation, reproduction and communication facilities, in return for payment against invoices.

If so requested, the Commission shall provide the recognised organisations with a home page on IntraComm.

Article 27: Operational resources

Resources shall be made available only to the representative organisation which are party to this Framework Agreement in accordance with an agreement on resources.

The distribution of these resources shall be specified in an annual protocol on resources.

Article 28: Staff hired by the trade unions and staff associations under private law contracts

The representative organisations may, out of their own funds, employ staff under private law contracts in the Commission premises made available to them.

The representative organisation must inform the Administration of the identity of such staff and the tasks to be carried out by them.

For security reasons, the conditions under which such staff can access the premises and use the Commission's operational resources must first be approved by the Administration.

The representative organisations shall comply with labour law provisions with regard to such staff.

The Commission shall accept no responsibility with regard to staff hired directly by the trade unions and staff associations under private law contracts.

The Commission would point out that it has no contractual relationship with them.

*Chapter 2: Trade union representatives*

Article 29: Permission for absence from duties

Authorised delegates of the signatory representative organisations may be permitted to absent themselves from their duties for specific and well-defined trade union activities, in accordance with rules to be laid down by the Administration.

Article 30: Staff serving on a signatory representative trade union or staff association

Staff may serve (full-time or part-time) on a signatory representative trade union or staff association under an agreement concerning the resources assigned to the signatory representative organisations.

A yearly memorandum of understanding on resources allocates the available resources among the signatory representative organisations on the basis of their representativeness, calculated according to the table in the Annex.

To facilitate management and distinguish more clearly between staff committee activities and trade union and staff association activities such staff may not simultaneously serve part-time on a signatory representative organisation and part-time on a staff committee.

From the entry into force of this Framework Agreement, such staff may not serve for more than six consecutive years on a signatory representative organisation.

After six consecutive years they must return to the Commission's services for at least four years before serving again on a signatory representative organisation for a further period of not more than six years.

Staff serving on a signatory representative organisation must devote themselves exclusively to this task on the basis of a job description and the setting of objectives.

Article 31: Leave for trade union activities

In accordance with the rules in force on leave, special leave for trade union purposes, not exceeding four days per year, may be granted to duly designated delegates (officials/other servants) of the recognised organisations so that



they can take part in trade union assemblies or congresses.

Article 32: Training leave for trade union purposes

Special training leave may be granted for training as trade union officials on the same conditions as for staff training at the request of the representative organisations.

Article 33: Duties carried out in the interests of the Commission

The signatory representative organisations may designate authorised delegates to participate in meetings of the concertation body and in

working groups organised by the Administration.

Duties performed by trade union delegates as part of concertation proceedings shall be considered part of the duties they are required to perform in their service of origin.

Article 34: Career management for trade union representatives

The provisions for staff representatives laid down in the Commission decisions of 18 June 2006 on general provisions for implementing Articles 43 and 45 of the Staff Regulations shall apply.

## **Title 5: Work stoppages**

Article 35: Concerted work stoppages

In the event of a labour dispute, concerted work stoppages may only be decided on by one or more signatory representative organisations and only after all the means of social dialogue have been exhausted, save in exceptional circumstances.

Article 36: Prior notice

The signatory representative organisations involved shall serve notice of any concerted work stoppages.

Article 37: Period of notice

This notice shall be served five working days before the planned start of the strike.

In exceptional circumstances, strike notice may be given up to fifteen days in advance without indicating the planned start of the strike, it being understood that the Administration shall always be warned at least three working days before the actual start of the strike, so that it can take the measures laid down in Articles 40 and 41.

Article 38: Content of notice

The strike notice shall state the reasons for the concerted work stoppage and the form it is to take. If there is to be a series of stoppages, the timetable shall be notified to the Administration. Any change to this timetable shall require a new strike notice of at least 24 hours.

Article 39: Use of period of notice

The period of strike notice shall be used by both parties to negotiate a settlement of the dispute at the appropriate level.

Article 40: Concertation concerning the list of staff required to remain at their posts

Once the strike notice has been served on the Administration, concertation shall commence between the Commission representatives and the organisation(s) calling the concerted work stoppage with a view to establishing the list of jobs whose holders must remain at their posts. This restricted list shall be communicated to all staff.

Article 41: Jobs whose holders may be required to remain at their posts

Jobs whose holders may be required to remain at their posts shall include those involving responsibility for the safety of persons and property and those on the restricted list decided on in the concertation proceedings referred to in Article 40.

Article 42: Freedom of action for staff choosing to strike

Staff choosing to strike shall be free to do so without let or hindrance.

Article 43: Freedom to work for staff choosing not to strike

During the concerted work stoppage, staff choosing not to strike shall be free to do so without let or hindrance.

Staff choosing not to strike shall have free access to their place of work.

Article 44: Non-payment of strike days

The Commission considers that it has sole responsibility for non-payment for days on strike.

Article 45: Return to work

The arrangements for returning to work shall be the subject of concertation between the Commission and the signatory representative organisation(s) involved in the dispute.

**Title 6: Final provisions**

Article 46: Entry into force

This Agreement shall enter into force on [date of signature with the first signatory representative organisation] for an indefinite period.

Article 47: Annulment

After an initial period of three years from the date of its entry into force, this Agreement may

be annulled by one of the signatory parties provided that it gives three months' notice in writing to the other parties concerned.

This Agreement shall cease to have effect as of the first of the month following expiry of the period for the party/ies that have requested its annulment.

\*\*\*

Done at Brussels, on the 18<sup>th</sup> December 2008

For the representative trade unions and staff associations [*signatures*]

For the European Commission [*signatures*]

GLOSSARY

<i>Terms</i>	<i>Definition</i>
Grouping	A grouping is defined as an organisational structure of a federal, confederal or other nature, governed by an official agreement notified to the European Commission, bringing together two or more recognised trade unions and staff associations in one or more places of employment.
Organisation	The term "organisation" is used in this Agreement to refer either to a trade union/staff association or to a grouping thereof.
Recognised organisation	A recognised organisation is a trade union/staff association or a grouping thereof <ul style="list-style-type: none"> <li>▪ which declares that its statutory aim is the defence of the interests of all members of staff without any discrimination on any ground, such as function group, nationality, nature of connection with the Commission, gender, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation);</li> <li>▪ which confirms that it has been legally constituted.</li> </ul>
Representative organisation	A representative organisation is a recognised organisation which meets the following two criteria: <ul style="list-style-type: none"> <li>▪ It represents at least 6% of European Commission staff at central level and 5% at local level (in a single place of employment) in elections of the local sections of the Commission's staff committee;</li> <li>▪ It has at least 400 fully paid-up members who are officials, other servants or retired officials of the European Commission.</li> </ul>
Signatory representative organisation	A signatory representative organisation is a representative organisation that has signed this Framework Agreement.

Summary

<i>Article</i>	<i>Issue</i>	<i>Signatory representative organisations</i>	<i>Representative organisations</i>	<i>Recognised organisations</i>
12	Conclusion of agreements with the Commission through the concertation procedure	Yes		
13	Sending of a list of the items in the Commission's work programme that may be the subject of social dialogue	Yes	Yes	Yes
13	Sending to the Administration of a list of the items that may be the subject of social dialogue	Yes		
14	Requests for social dialogue meetings	Yes		
15	Designation of members of the concertation body	Yes		
17	Requests for administrative and technical concertation	Yes		
18	Requests for political concertation	Yes		
20	Conciliation procedure	Yes		
21	Participation in interinstitutional concertation	Yes		
22	Making premises available in the Commission	Yes	Yes	
23	Holding meetings in Commission premises	Yes	Yes	
23	Holding general staff meetings	Yes	Yes	
24	Sending e-mails to staff	Yes	Yes	
25	Distributing trade union documents	Yes	Yes	Yes
26	Making available administration facilities in return for payment against invoices	Yes	Yes	Yes
26	Making available an IntraComm home page	Yes	Yes	Yes
26	Making available human and financial resources	Yes		
28	Hiring staff under private law contracts	Yes	Yes	
29	Permission for absence from duties	Yes		
30	Staff serving on trade unions or staff associations	Yes		
31	Leave for trade union activities	Yes	Yes	
32	Training leave for trade union purposes	Yes	Yes	
35	Work stoppages	Yes		
36	Strike notice	Yes		
40	Participation in concertation proceedings concerning the list of persons required to remain at their posts	Yes		
45	Participation in concertation proceedings concerning arrangements for returning to work	Yes		