

Staff Association of the European Union institutions, bodies, offices, and agencies

Generation 2004

bylaws

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**Staff Association of the European Union institutions, bodies, offices
and agencies**

Generation 2004

(De facto association ('association de fait') in accordance with the Belgian Law)

PREAMBLE¹

*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 Union institutions, bodies, offices and agencies.*

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 –in accordance with Art. 7 of the Framework Agreement–, such as function group, nationality, nature of connection with the European Commission, other Union's institutions, bodies, offices and 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,*

¹ The text of the preamble corresponds to the initial bylaws (August 2012) with slight changes. The aim is to preserve it by historical reasons.

- 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, with the aim to focus Generation 2004 proposals on the add value the European public administration brings to the European project,*
- 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 and 2014 reforms are taken into consideration into any such future reform project without adversely affecting the attractiveness of the service and EU staff motivation,*
- e) *give priority to the defence of collective rights over the defence of individual rights, by all ways of legal actions and negotiations, and by provide legal counselling and financial assistance to staff involved in legal proceedings before the Union courts in accordance with human and financial resources available within the association,*
- 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, and therefore promoting a transparent and accountable administration.*

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, **Generation 2004** pledge to:

- a) *develop an organisational structure, through the following bylaws 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, bodies, offices and agencies, and vertical issues, affecting the staff of a specific Union’s institution, body, office or agency.*

*With regards to the internal decision-making process voting rights shall be restricted exclusively to **Generation 2004** full and honorary members and elected positions pertaining to the specific institution, body, office or agency concerned, constituted within our organization as a section; in such issues, the role of other members and non-elected positions shall be of an advisory nature,*

- d) *welcome in our staff association any individual who, in accordance with the membership rules established in Title III below, wants to contribute coherently to the above stated aims and principles, under the rules of the present bylaws.*

On 10 August of 2012, according to the principles and commitments established in the preamble, the initial version of the bylaws was approved by decision of the Generation 2004 founding members.

On 8 October 2024, the General Assembly reunited in Brussels, approved the review of the bylaws as follows:

BYLAWS OF GENERATION 2004

Title I

Creation and Identification

Article 1

(Founding members, denomination, and legal form)

1. The founding members of Generation 2004 are listed in Annex I. By their signature, they have declared fully knowledge and acceptance of the whole of the initial version of the bylaws, without any exception. The founding members are qualified as honorary members of the association.

2. The founding members created the staff association Generation 2004 as an “*association de fait*” (hereinafter ‘Generation 2004’, or ‘staff association’ or ‘association’) in accordance with the Belgian law.

3. The denomination Generation 2004, as well as its logo, must appear on all the acts, bills, announcements, publications, letters, and any other documents produced by the staff association.

4. The change of the legal form of the staff association as referred in paragraph 2 above, at the proposal of the Board, shall be approved by the General Assembly with qualified majority of two-thirds ('two-thirds majority vote' or 'two-thirds majority') as established in *Implementing rule 6: Governance and functioning of the governing bodies* (Annex II).

Article 2

(Head of office, logo and motto)

1. Generation 2004's head of office is established in the region of Brussels-Capital.
2. Generation 2004's logo is reproduced in Annex III.
3. Generation 2004's motto is "RECTIFYING INJUSTICE – STANDING FOR OUR RIGHTS – RESTORING UNITY".
4. The modification of the official address, denomination, logo and motto shall be approved by the Board by a two-thirds majority as established in *Implementing rule 6: Governance and functioning of the governing bodies*.

Title II

General provisions and internal organisation

Section 1 – General provisions

Article 3

(Mission, principles and objectives)

1. Staff of the European Union institutions, bodies, offices, and agencies is entitled to exercise the right of association; they may in particular be members of trade unions or staff associations. Generation 2004 shall act in the general interest of the staff, without prejudice to the statutory powers of the staff committees.

2. Generation 2004 is 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. Generation 2004 members shall act towards the staff association with courtesy, integrity, circumspection and dignity, loyalty, rectitude and avoidance of conflicts of interest. Generation 2004 bylaws and the corresponding implementing rules shall be complied by their members.

3. The objectives of Generation 2004 as a staff association are double-fold, general and specific, both excluding any intention of financial profit:

a) the general statutory objective 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 specific statutory objective is to defend the professional interests of all members of staff of the European institutions, bodies, offices 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, bodies, offices and 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.

4. 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 in accordance with his or her contribution to the service. To achieve this goal, Generation 2004 intends to collaborate with the administration and with the whole staff representation 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.

Article 4

(Duration)

1. Generation 2004 shall be active for an indefinite period on the present '*association de fait*' form or on other suitable legal form in accordance with the Belgian law. The change of the form will follow the procedure set out in Article 1(4) above.
2. Generation 2004 will end its activities further to a decision of its dissolution as provided for in Article 73.

Section 2 – Internal organisation: sections

Article 5

(Internal organisation)

1. Generation 2004 is established as a single inter-institutional staff association structured in sections:
 - a) Sections of European Commission, and
 - b) Sections of other European Union institutions, offices, bodies and agencies.
2. At its foundation, Generation 2004 possessed a single section, corresponding to the European Commission. The Generation's 2004 sections are listed in Annex V.
3. The sections are established in accordance with the principles and rules set out in the present section and in the *Implementing rule 1: Internal functioning of the sections and on the procedural provisions*.

Article 6

(Creation)

1. The creation of a section can be requested at the initiative of at least 7 full members of Generation 2004, who are employed at:
 - a) a Union's institution other than the European Commission,
 - b) a body, office, or agency, or

c) a location that is distinct from that of the corresponding section and where there exists or will be created a Local Staff Committee.

2. The request shall be addressed in writing to the Board considering the existing agreements on staff representation at that specific Union's institution, body, office or agency. The request shall include the following documents:

a) a proposal stating the rights and responsibilities of the section and its governance,

b) a proposal for amending these bylaws to incorporate the new section and, if applicable, for including or amending provisions of these bylaws which specify the rights, responsibilities, and the governance of that section,

c) transitional provisions, if applicable.

3. The submission to the Board of the proposal to creating a section shall be preceded by its approval by an Assembly of members of the intended section. The local Assembly shall adopt the decision by simple majority and at least 7 of the members present in the meeting. The voting will be organised with the administrative support of the secretariat of Generation 2004 in accordance with principles and rules, with the necessary adaptations, set out in *Implementing rule 6: Governance and functioning of the governing bodies*.

4. The Board shall decide on the request for the creation of a section by simple majority as established in *Implementing rule 6: Governance and functioning of the governing bodies*. The decision shall acknowledge the compliance of the creation of the section against the criteria established in the present bylaws, ensuring that principles of equal treatment and subsidiarity are respected.

5. If the decision of the Board is negative, the applicants have the right to appeal against this refusal before the General Assembly. In this specific case, the General Assembly decides by simple majority on whether to vote on the section creation.

6. The section shall be effectively created when the following requirements are cumulatively met:

a) The General Assembly approves its creation by a two-thirds majority.

b) If situations listed in paragraph 2b) and c) above are applicable, the General Assembly pursuant to the implementing provisions set out in the *Implementing rule 1: Internal functioning of the sections* (Annex II) shall approve the corresponding

adaptation of these bylaws and, if applicable, the required transitional provisions by a qualified majority of two-thirds.

7. The section is chaired by a coordinator to be elected among the full members of the section in its first Assembly meeting following the approval of the creation of the section by the Board or by the General Assembly in accordance with the procedure laid down in paragraphs 4 to 6 above.

8. The members of the General Assembly are entitled to vote a decision of creation of a section, regardless of the section they belong to.

Article 7

(Termination)

1. The General Assembly shall approve both the decision to suppress a section and, if necessary, the corresponding adaptation of these bylaws and transitional provisions by a two-thirds majority vote. The procedural adaptation of these bylaws and, if applicable, transitional provisions will be established in the *Implementing rule 1: Internal functioning of the sections* (Annex II).

2. The members of the General Assembly are entitled to vote a decision of termination of a section, regardless of the section they belong to.

Article 8

(Section representation at the governing and advisory bodies)

1. Any section listed in Annex V to the bylaws may decide to elect one or several members to the Board in accordance with its share in total membership (section specific Board members). The direct election of a Board member by a section is subject to the rules set out in *Implementing rule 5: Board electoral rules* (Annex II).

2. If a member from a section, further to his/her election to the Board, moves to another section due to private or professional reasons, this fact will determine the immediate termination of his/her mandate and the subsequent replacement in accordance with the principle laid down in Article 36(3) of the bylaws and the procedure established in *Implementing rule 5: Board electoral rules*.

3. Any section which is not represented by elected members to the Board or by an appointed *ad-hoc member* to the Steering Committee is entitled to appoint, among their own members, an observer to the Board and/or to the Steering Committee. The appointment as an observer to the Steering Committee is subject to the adoption by the Board of the decision set out in Article 52(2) of the bylaws.

When the Board or the Steering Committee are renewed:

a) If the section obtains elected representation at the new Board or at the new Steering Committee, it shall be no longer entitled to appoint an observer to the Board or to the Steering Committee,

b) If the section does not obtain elected representation at the new Board or at the new Steering Committee, it shall be entitled to confirm or renew its observer to the Board and/or to the Steering Committee in accordance with the rules set out respectively in Articles 37 and 53 of the bylaws.

Article 9

(Candidates to Local Staff Committee elections)

1. A section is entitled to present its candidates to Local Staff Committee elections.

2. Candidates shall be members of Generation 2004.

3. The coordinator of the section, within three months prior to the planned or decided date for a Local Staff Committee election, shall inform the Board of the intention to present a Generation 2004 list of candidates or to present a common list of candidates with one or several other trade unions and staff associations or to present a Generation 2004 list including not only Generation 2004 members but also independents taking into consideration the specific circumstances of the Local Staff Committee election.

4. If the coordinator of the section does not inform the Board for the purposes, and on the deadline set out in paragraph 3 above, the Board will automatically assume the powers of the section relating to the preparation of the list of candidates and to its submission to the Electoral office in compliance with the rules established in *Implementing rule 1: Internal functioning of the sections*.

5. If a section intends to present a common list of candidates with one or several other trade unions or staff associations or a Generation 2004 list including independents, the Board shall approve this electoral approach due to the need of clearance of the intended type of candidatures against general political goals established by the executive governing body of the association. The decision shall occur within 14 calendar days from the date of the reception of the written communication from the coordinator of the section. The Board shall decide by qualified majority of two-thirds as established in *Implementing rule 6: Governance and functioning of the governing bodies*.

6. As from the date of the communication set out in paragraph 3 above, the coordinator of the section shall keep regularly informed the chair on the preparation of the Generation 2004 list to the Local Staff Committee election. The Board, during the preparation of the list and prior to its submission to the local Electoral office, oversees the list and the content of the section electoral manifesto to ensure consistency with the political targets of the association in accordance with the rules set out in *Implementing rule 1: Internal functioning of the sections*.

Article 10

(Implementing rule)

Pursuant to Article 72 of the bylaws, the Board shall draft an *Implementing rule 1: Internal functioning of the sections* and *on the procedural provisions* to adapt the present bylaws in case of creation and termination of a section as well as, whenever necessary, on *transitional provisions*.

Title III

Membership

Article 11

(Membership categories)

1. Generation 2004 comprises three categories of membership:

- a) Full member,
- b) Adherent member,
- c) Honorary member.

2. A member can only have one of the membership statuses listed in paragraph 1 above.

Article 12

(Full members)

1. Full membership is open to any member of staff of the European Union institutions, bodies, offices, and agencies. All officials or other servants, either in active employment, seconded in the interests of the service, on leave on personal grounds, on leave for military service, on parental leave or family leave may apply for full membership.

2. Full members are entitled to take an active role in the association through its governance structure and advisory bodies. Full members have equal rights and duties, with the only exceptions listed in paragraph 3 below. Specifically, at the General Assembly, they have the right to propose for discussion points of interest concerning the association, to participate in the discussions and voting rights. They further enjoy the right to address written petitions to the Board on issues concerning the strategy and the functioning of the association. In this context, they have the right to receive a reply from the Board in 14 calendar days except for unreasonable, repetitive or abusive enquires or requests of information. A holding reply shall be sent by the secretariat of Generation 2004 whenever it would not be possible to meet the deadline for replying

due to an unforeseeable and unavoidable situation that prevent the Board from fulfilling this obligation ('force majeure') or due to an official holiday period.

3. Eligibility and voting rights of full members shall be suspended in the following situations:

- a) during the first 30 calendar days of membership in the staff association,
- b) until payment of the membership fee beyond the deadline set out in Article 17(1) of the bylaws,
- c) leave on personal grounds,
- d) due to an internal disciplinary procedure.

Article 13

(Application for full membership)

1. Full membership shall be requested by filling an electronic application form. Through this act, applicants are committing themselves to adhere to the political principles of the association, as stated in Article 3 of the bylaws, to respect and abide these bylaws and to give consent to the processing of personal data needed for membership purposes as established in *Implementing Rule 2: Application for membership, acceptance and registration* (Annex II).

2. Once the applicant meets the requirements above stated, he or she shall become a full member with exception of the situations of suspension of rights listed in Article 12(3) above.

Article 14

(Termination of full membership)

1. Full membership can be terminated either by resignation, through personal initiative of a member, or by exclusion, through decision of the Board:

- a) A full member can resign at any moment by addressing a signed resignation letter to the secretariat of Generation 2004, which in exchange, shall acknowledge in written its reception. The resignation cannot be refused or delayed. There will be no restitution of the annual membership fee.

b) Full membership can terminate by decision of the Board following the conclusion of a disciplinary procedure as set out in Article 69(1) of the bylaws and *Implementing rule 4: Disciplinary procedure and guarantees* (Annex II).

2. If the exclusion is adopted within the first 30 calendar days of membership, there will be a restitution of the annual membership fee.

Article 15

(Adherent members)

1. Adhering membership is open to any former or future staff of the European Union institutions, bodies, offices and agencies falling in the following categories:

- a) retired staff of the European Union institutions, bodies, offices and agencies,
- b) individuals which have been members of staff of the European Union institutions, bodies, offices and agencies for a period of at least two years,
- c) individuals who are successful laureates on a standing EPSO reserve list, before becoming official or other servant of the European Union institutions.

2. Adherent members can attend and take the floor in the meetings of the General Assembly or in other Generation 2004 meetings, without eligibility or voting rights.

3. Application and termination rules for adherent members are identical to those for full members, excepting the annual membership fee payable.

Article 16

(Honorary members)

1. Exceptionally, individuals who have demonstrated an outstanding contribution to the strengthening of the mission, principles and objectives of the staff association may be appointed as honorary members of Generation 2004.

2. The appointment of an honorary member is approved by the General Assembly upon proposal of the Board, which shall include the acceptance of the membership by the proposed honorary member. The decision shall be adopted by simple majority.
3. The honorary members can attend, take the floor and vote in the meetings of the General Assembly or in any other Generation 2004 meeting. They can address to the Board written petitions about any relevant issue on the functioning and on the strategy of the association. The reply from the Board shall comply with the requirements laid down in Article 12(2) above.
4. The honorary members are eligible to the Board, to the Steering Committee and to the Disciplinary Committee.
5. The eligibility and voting rights of the honorary members are suspended until payment of the membership fee beyond the deadline set out in Article 17(1) of the bylaws or due to a leave on personal grounds or due to an internal disciplinary procedure.
6. The honorary membership can terminate by decision of the Board following the conclusion of a disciplinary procedure as set out in Article 69(1) of the bylaws and *Implementing rule 4: Disciplinary procedure and guarantees*.

Article 17

(Payment of the membership fee)

1. Generation 2004 membership requires the payment of an annual membership fee. The membership fee is due by all categories of members as listed in Article 11 above. It is paid per calendar year. The membership fee is due in January of each year and shall be paid by end of February.
2. The secretariat of Generation 2004 shall send a reminder, signed by the treasurer, on the payment of the annual membership fee to all paying members by end of January. A second reminder, signed by the treasurer, will be sent by the secretariat of Generation 2004 to the members that did not renew their membership fee by end of February. An extraordinary reminder, signed by the treasurer, may be sent out by the secretariat of Generation 2004 to the concerned members to ensure their own voting rights, at least one month prior to a General Assembly meeting.

3. The delay of payment of the membership fee for more than one calendar year determines the ending of Generation 2004 membership in accordance with the procedure set out in the *Implementing rule 2: Application for membership, acceptance and registration*.

Article 18

(Register and sub-register of members)

1. The secretariat of Generation 2004 in accordance with instructions provided by the chair or by the secretary general shall keep an up-to-date register of members ('global register'), listing:

- a) the condition of the member, as full, adherent or honorary,
- b) the institution, body, office 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 professional address and e-mail,
- d) her/his identification data, in accordance with *Implementing rule 2: Application for membership, acceptance and registration*.

2. The global register identifies the section and institution to which the member belongs. The secretariat of the Generation 2004 in accordance with instructions provided by the chair or by the secretary general is responsible by all the operations needed to the maintenance and development of such register. The creation of a new Generation 2004 section in line with the procedure set out in Article 6 above will entitle the secretariat of Generation to 2004 to create and keep a corresponding sub-register of members belonging to the new section.

3. The chair or the secretary general may instruct the secretariat of Generation 2004 to create and keep any sub-register analogous to that mentioned in paragraph 2 above, in case it is requested by other European institutions, bodies, offices or agencies for granting any elected representation of Generation 2004 the full status of staff representative or equivalent within their respective organization.

4. Members shall communicate to the secretariat of Generation 2004 any change of their professional status and/or contact data. The secretariat of Generation 2004 shall ensure that these data are properly recorded:

a) If the change affects the status of the member as for Articles 12, 15 and 16 above, the secretariat of Generation 2004 shall act accordingly for administrative purposes and inform immediately the chair and the secretary general. The re-assignment of status can be regularly reviewed by the chair or by the secretary general and yearly reported to the Board for information purposes only.

b) If the change concerns personal data relevant to the sub-register(s) mentioned in paragraphs 2 and 3 above, the secretariat of Generation 2004 shall conduct the appropriate verifications to update the sub-register(s).

5. The personal data of members leaving the staff association due to resignation or exclusion (Article 14(1) above) or due to delayed payment of the membership fee for more than one year (Article 17(3) above) shall be erased without undue delay from the register of members and, if applicable, from the corresponding sub-register(s).

6. Without prejudice to paragraph 5 above, a sub-register of former members, who have been excluded from membership further to a disciplinary procedure, is kept for an exceptional period of 12 months after the person no longer being a member of Generation 2004 (see Article 4(6) of *Implementing rule 3: Disciplinary procedure and guarantees*, Annex II). The record shall comprise the first and the family name of the person concerned and its entry and leaving date from the staff association. The secretariat of Generation 2004 is responsible for the operation and maintenance of this sub-register in accordance with instructions provided by the chair or the secretary general.

7. The register and sub-registers shall respect the provisions of the applicable Belgian or European data protection legislation. In particular, in accordance with the Generation 2004 privacy statement any member as 'data subject' has the right to access, rectify or erase their personal data and the right to restrict or object to the processing of their personal data by Generation 2004. The chair of the association acts as data protection officer responsible for ensuring Generation 2004 corporate compliance with the rules for the protection of personal data.

8. Within the staff association the access to the register and sub-register(s) is limited to the Board members with specific functions (chair, vice-chair(s) and treasurer) and to the secretary general). For administrative purposes only, the chair may grant access to

the register(s) and sub-register(s) to the secretariat of Generation 2004 in accordance with the conditions established in *Implementing rule 2: Application for membership, acceptance and registration*. Specifically, for a section's sub-register, the section coordinator, and if need may be, one additional representative of the section, appointed by the Assembly of members of the section, may have access to this sub-register.

9. The chair reports to the Board and to the General Assembly on the general composition of the membership of the association under the conditions established in *Implementing rule 2: Application for membership, acceptance and registration*.

Article 19

(Implementing rule)

Pursuant to Article 72 of the bylaws, the Board shall draft an *Implementing rule 2* on the application for membership, acceptance and registration as well as other provisions in relation to membership.

Title IV

Sources of income and financial governance

Section 1 – Sources of income

Article 20

(Resources)

1. To the mission and objectives set out in Article 3, Generation 2004 disposes of the following resources:

a) The annual membership fee which constitutes own resources of the staff association.

b) Other resources, which are those resources assigned by the European Union institutions, bodies, offices, or agencies to their staff representation, or made available by members by means of gifts, contributions in-kind, donations or heritage, or by

corporative donors. Generation 2004 may also receive other further funds by lawful means.

2. Generation 2004 must allocate the sources of income to activities serving its mission and objectives as well as to purposes that will attain the fulfilment of all or any of the mission and objectives of the staff association.

Article 21

(Annual membership fee)

1. The categories of membership and its legal framework is set out in Title III above.
2. The Board shall propose to the General Assembly the annual membership fees differentiated per member status, and/or per grade or employment status. The General Assembly decides on the annual membership fees by simple majority.
3. In exceptional cases, the Board may grant an exemption from the obligation to pay membership fees for serious economic, social, or legal reasons. The procedure for such exemptions is governed by the *Implementing rule 2: Application for membership, acceptance, and registration*.

Article 22

(Donations)

1. Individual donations from identifiable and permissible sources are accepted. There is no limit on how much can be donated to the association. However, only substantial donations as qualified in *Implementing rule 2: Application for membership, acceptance and registration* are subject to the approval of the Board, which shall report annually about them to the General Assembly.
2. Any anonymous donation will be refused by the Board. The refused donation shall be acknowledged by the Board under the conditions established in *Implementing rule 2*.

Section 2 – Financial governance

Article 23

(Bank account)

1. Generation 2004 owns one single bank account. As an exception, the Board may decide to approve the creation of additional bank accounts. The decision is taken by simple majority as established in *Implementing rule 6: Governance and functioning of the governing bodies*.
2. The operation of the bank account(s) shall be entrusted by the Board to the chair, vice-chair(s) and treasurer ('authorised officers'), jointly or any two members in accordance with a decision adopted by the Board with simple majority as established in *Implementing rule 6: Governance and functioning of the governing bodies*.
3. The election of a new Board and appointment of a new treasurer will determine the withdrawal of the access and operation of bank account(s) by former authorised people. The replacement of the authorised people to operating the bank account(s) must be approved by simple majority in the first meeting of the Board after its election or in the first meeting after election of the chair and treasurer.
4. Any other modification of the bank account(s) must be approved by the Board with a simple majority.

Article 24

(Financial year)

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

Article 25

(Budget)

1. The budget shall be established and implemented in accordance with the principles of unity, budgetary accuracy, annuality, equilibrium, unit of account, universality, specification, sound financial management and transparency.
2. The budget shall include both financial resources and other resources as facilitated by the administration under the Framework Agreement. The budget shall further include a proposal for annual membership fees.

3. The execution of the budget shall be complemented by the adoption of guidelines addressed to the budgetary roles of the chair, treasurer and Board, which is intended to make flexible the approval of expenditure with a repetitive nature such as expenses relating to receptions, acquisition of IT tools and software, bank fees and missions linked to Generation 2004 aims and objectives. These guidelines can include specific rules on expenditure for missions when the chair, or the vice-chair(s) or the treasurer are located outside Brussels. These guidelines can further laid down the intervention of a countersigning officer regarding the approval of a budgetary commitment for which the authorising officer is simultaneously the beneficiary of the operation and the responsible for its approval (e.g. missions of the chair, vice-chair(s), treasurer should be signed by other Board member).

4. By proposal of the treasurer the guidelines shall be approved by the Board with simple majority within three months further its election.

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

6. 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 General Assembly for its definitive approval by simple majority.

Article 26

(Surplus and payment responsibilities)

1. The financial surplus is not subject to a maximum reserve of the yearly budget. By proposal of the treasurer its transfer to the following financial year shall be approved by the Board with simple majority.

2. 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 with simple majority.

Article 27

(Treasurer)

1. The treasurer is appointed by the Board among themselves for a three-years mandate, which may be renewed once as long as he or she remains member of the Board.

2. In case of foreseeable absence, for more than one month, by justified reasons (e.g. sickness or maternity leave etc.), the treasurer shall inform the chair in advance, or within five calendar days counting from the first day of absence. The communication must be done either orally or in writing. The chair shall orally inform the Board on the reported absence in the first Board meeting following the communication made by the treasurer.

3. The Board shall appoint a replacement within one month following the chair's communication as referred to in paragraph 2 above or in case of absence longer than two months. The appointment must be done among the Board members themselves and has a temporary nature. The replacement ceases on the day of return in office of the full treasurer. If the treasurer resigns, a new treasurer shall be appointed within 30 days counting from the date of the resignation in accordance with the principles set out in paragraph 1 above. The appointment is made for the period remaining until the end of the mandate of the Board.

4. The treasurer is regularly backed-up by one of the members of the secretariat of Generation 2004, which shall be appointed by the chair upon proposal of the treasurer. The administrative back-up will consist of following-up the treasurer decisions/actions, implementing decisions taken by the treasurer, monitoring payments/invoices and regular updating of financial sheets.

5. The treasurer shall prepare a draft budget for the following year, which shall be submitted for approval of the Board and of the General Assembly within the first quarter of the calendar year. Further to the approval of the Board, the draft budget shall be referred for definitive approval to the General Assembly by 31st March at the latest.

6. The treasurer is responsible for payments, ensuring the implementation of the budget in accordance with the principles of economy, efficiency and effectiveness (i.e. a sound financial management). Additionally, the treasurer is responsible for the accounting and the drafting of the annual statement accounts.

Article 28

(Reporting)

1. The treasurer shall report yearly to the General Assembly on the budget execution and its parts. The reporting to the General Assembly on the budget execution shall occur by 31st March at the latest.

2. The budget execution reporting shall consist of the following:

- a) a general statement of revenue and expenditure,
- b) budget implementation,
- c) information on bank account,
- d) treasury management,
- e) assets and liabilities.

3. Members have the right of access to the budgetary reports. The request shall be made in writing within seven calendar days prior to the General Assembly. Comments on the reports shall be provided in writing at least three calendar days prior to the General Assembly. The request for access to the reports and any comments to the documents must be addressed to the functional mailbox of Generation 2004.

Title V

Human resources

Section 1 – Staff allocation, management and appraisal

Article 29

(Staff allocation)

1. The human resources comprise '*staff seconded*' and 'staff made available to the association'.

2. The Board is entitled to hire staff ('*staff hired*') in accordance with the needs of the association and financial resources available. To this end, the Board can submit to the General Assembly a proposal for hiring staff accompanied by a detailed explanation on costs, responsibilities and benefits. Staff hired is considered staff made available to the association for the purposes of this section. The Board shall draft an Implementing rule 8 defining, *inter alia*, the conditions of recruitment, the modalities of the labour relationship, the rights and duties of the employees and the termination of the labour agreement.

3. The proposal on hiring staff shall be approved by the General Assembly with simple majority as established in *Implementing rule 6: Governance and functioning of the governing bodies*.

4. With regards to *'staff seconded'* and *'staff made available to the association'*, the Board under proposal of the chair shall approve by simple majority guidelines on their roles, tasks and objectives within 3 months counting from the election of the chair. These guidelines must be drafted in line with the mission and objectives of the association and considering the political priorities and the human resources available under agreement(s) with the administration(s) further to elections for each local staff committee.

Article 30

(Staff management)

1. Management responsibilities regarding *'staff seconded'* and *'staff made available to the association'* are subject to the following:

a) for *'staff made available to the association'*, they shall be exercised by the chair or, by delegation from the chair, individually or jointly, by the vice-chair(s), treasurer or secretary general,

b) for *'staff seconded'*, they shall be collegially exercised by the Board.

2. With regards to *'staff made available to the association'* or to *'staff seconded'*, members of the Board shall abstain from voting decisions when:

a) the staff concerned 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.

3. The Board must inform the administration (e.g. DG Human Resources and Security for the Commission or any other relevant department with management responsibilities of human resources within European union institutions, bodies, offices and agencies) on the identity of the staff and on the tasks carried out by them.

Article 31

(Staff appraisal)

1. Having regard to the Staff Regulations of Officials of the European Union ('SR') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, and in particular, Articles 43 and 110 of the SR and Article 15(2) CEOS, Generation 2004 staff shall be subject to an annual appraisal exercise concerning their efficiency, ability and conduct based on established roles, functions and objectives. The appraisal exercise is managed by the Commission's Directorate General for Human Resources and Security (DG HR) or other department responsible for the human resources policy within other European union institution, bodies, offices and agencies.
2. The appraisal exercise follows the calendar annually published by the administration(s) and the general provisions of the Commission's, or other European union institutions, bodies, offices and agencies, general implementing decision(s) of Articles 43 and first paragraph of Article 44 of the Staff Regulations.
3. The reporting officer for staff seconded under '*Union secondment*' and '*staff made available to the association*' is the chair or another reporting officer established in accordance with the rules of the relevant European union institutions, bodies, offices and agencies.

Section 2 – Secondment regime

Article 32

(Modalities, principles and duration)

1. Staff may serve on Generation 2004 under a secondment in the interest of the staff association ('union secondment') or as an elected member to a staff committee ('statutory secondment'). Both full-time and part-time secondments can be considered.
2. Secondment decisions shall be exclusively adopted in the interest of the Generation 2004 mission and objectives, under an established staff plan, within the limits of the resources effectively granted to the staff association by the administration(s)

3. Secondment decisions shall be based on the following:

- a) give preference to elected staff representatives over non-elected, or
- b) give preference to internally elected members of the Board over general full members, or
- c) take into consideration demonstrated service to the staff association.

4. Seconded staff may not serve for more than six years over a period of 10 years on Generation 2004, irrespective of the type of secondment. After six years staff shall return to the Commission's services or, whenever appropriate, to other European union institution, body, office, or agency services for at least four years before serving again on Generation 2004 for a further period of not more than six years.

The duration of a secondment decision is:

- a) for elected staff representatives, the effective period of their electoral mandate. Any extension shall be approved by the Board up to a maximum of six years.
- b) concerning other seconded staff, shall be two years renewable. The Board approves their renewal three times for a total period not exceeding six years.

Title VI

Governing and advisory bodies

Governing bodies

Section 1 – Board

Article 33

(Definition)

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.

Article 34

(Management decisions and appointments)

1. The Board is entitled to take all necessary management decisions to achieve the aims and objectives of Generation 2004, subject to the present bylaws.
2. The Board appoints among themselves a chair and two vice-chairs, the treasurer, and a secretary. Pursuant to Article 27(3) above, the Board appoints among themselves a replacement to the treasurer in case of absence for justified reasons and for the duration of his or her absence only.
3. The decision on appointments listed in the paragraph above is adopted by the Board by simple majority. All Board positions and other mandates of Generation 2004 are non-paid.
4. The chair may appoint a secretary general among Generation 2004 full members. The appointment has the duration of the mandate of the chair. It may be renewed upon election of a new chair, provided it is re-appointed by the new elected chair. The maximum duration in office shall be six consecutive years. The role and responsibilities of the secretary general are established in Article 62 of the bylaws.
5. The Board, under proposal of the chair, may appoint a political secretary by qualified majority of two-thirds as established in *Implementing rule 6: Governance and functioning of the governing bodies*. The appointment has the duration of the mandate of the Board. It may be renewed upon election of a new Board. The maximum duration in office shall be six consecutive years. The role and responsibilities of the political secretary are established in Article 64 of the bylaws.

Article 35

(Mandate and composition)

1. The Board of Generation 2004 consists of nine full members and is elected by the General Assembly. The election of the Board will be carried in accordance with principles and rules set out in *Implementing rule 5: Board electoral rules*.
2. The mandate of the Board is three years. After two consecutive terms as Board member, he/she may serve again as Board member after an interruption of at least

three years. By rule of exception, for a Board member that is in office less than 4.5 years at the time of a new election a second renewal should be allowed.

Article 36

(Replacement of members of the Board)

1. The members of the Board shall attend the Board meetings in a regular basis.
2. When a Board member records more than 10 absences to the Board meetings in a period of 12 months over the three years mandate, he or she shall be automatically replaced by the full or honorary member that was the next in rank in the previous Board election. The procedure relating to the replacement is provided for in *Implementing rule 5: Board electoral rules*.
3. Any member of the Board either renouncing at the formation of the Board or losing his or her mandate due to the change of section (Article 8(2) above) or by resignation shall be promptly replaced by the Generation 2004 full member that was the next in rank in the previous Board election. If no more eligible candidates are available on that list, the Board position remains vacant.
4. The collective resignation of the Board members determines the convocation of elections to the Board.

Article 37

(Observers)

1. Pursuant to Article 8(3) of the bylaws, observers to the Board are Generation 2004 members elected or appointed from its own members on the local section of the Staff Committee of the European Commission and on the local section of the Staff Committee of other European Union institutions, offices, bodies or agencies; where happens that those sections are not represented at the Board by elected members as established in Article 8(1) of the bylaws and in accordance with the electoral rules set out in *Implementing rule 5: Board electoral rules*.
2. Exceptionally, for a European Union institution, body, office or agency represented within the members of Generation 2004, but not constituting a section, the Board can propose the appointment of one observer subject to the approval of the General Assembly by simple majority.

3. Members appointed as observers to the Board in accordance with the principles set out in paragraphs 1 and 2 above can take the floor at its meetings but do not enjoy voting rights. The observers may attend the Board meetings on 'Board only' point(s).

4. When the appointment of the secretary general and of the political secretary falls on a non-member of the Board under the conditions established in Article 34(5) and (6), Article 62 and Article 64 of the bylaws they shall be implicitly considered as observers to the Board.

5. At the Board meetings, the secretary general can take the floor at the request of the chair for issues strictly relating to the role of chief administrative officer; the political secretary can take the floor either at the request of the chair or at the request of any other Board member concerning general political issues with specific interest to the association, but they do not enjoy voting rights unless they are Board members. The secretary general and the political secretary are entitled to attend the Board meetings on 'Board only' point(s).

Article 38

(Elected members)

Generation 2004 members elected on a Staff Committee of the European Commission or on a Staff Committee of other European Union institutions, offices, bodies, or agencies may attend Board meetings with exception of 'Board only' point(s). They do not enjoy voting rights, but they may take the floor, whenever the chair in accordance with the Board considers such intervention in line with the agenda of the meeting.

Article 39

(Meetings and relations with the Steering Committee)

1. The minutes of the Board are taken and filed by the secretary of the Board. The minutes of the decisions taken shall be available to any member within five calendar days following its adoption, upon request in writing to the secretariat of Generation 2004. The request shall be addressed to the functional mailbox of the staff association.

2. The Board takes into consideration the opinions issued by the advisory bodies, such as the opinions issued by the Steering Committee as a forum of discussion, or as an assembly of elected members in the local staff committees or as specialised sub-committees constituted with the purpose to make recommendations in each matter previously assigned by the Board to the Steering Committee.

Article 40

(Approval and dismissal of the Board)

1. The annual report covers year N-1 (report of activities and financial execution report) and year N (draft annual plan and draft budget). During its three years mandate, the Board shall request the explicit approval of both documents. The General Assembly shall approve both documents in two separate votes. The approval is done by simple majority as established in *Implementing rule 6: Governance and functioning of the governing bodies*.

2. Should the draft annual report/budget for year N not be approved, the Board should immediately ask to the General Assembly the approval of the submission of a revised version of both documents. If the General Assembly rejects by simple majority this proposal the Board shall be immediately dismissed together with the Steering Committee.

3. If the General Assembly approves the Board proposal to submit a revised version of the draft annual report/budget for the year N, the Board must submit to the General Assembly a revised version of the documents within one month. If the General Assembly rejects by simple majority the revised version of such documents the Board shall be immediately dismissed together with the Steering Committee subject to the conditions laid down in Article 52(5) of the bylaws in conjunction with Article 3(6) of the *Implementing rule 7: Governance and functioning of the Steering Committee and its subcommittees*.

4. At the request of at the least of 30 full members, a dismissal motion can be included in any extraordinary or ordinary General Assembly. To be receivable, no dismissal motion again the same Board should have been presented in the preceding six months. It must be considered as 'the same Board' when at least the chair or vice-chair stay, as well as 50% of its members.

5. Pursuant to Article 46(1)b) of the bylaws an extraordinary ad-hoc General Assembly can be convoked to dismiss the Board. The decision of dismissal of the Board tied together with the appointment of an interim board consisting of a minimum of three and a maximum of five members who enjoy eligibility rights and have not served on the board to be dismissed shall be taken by the General Assembly with a qualified majority of two-thirds. Should the vote succeed, the Board shall be immediately dismissed, together with the Steering Committee subject to the conditions laid down in

Article 52(5) of the bylaws in conjunction with Article 3(6) of the *Implementing rule 7: Governance and functioning of the Steering Committee and its subcommittees*. The only task of the interim board, besides strictly non-delayable duties, is organising new elections in 30 calendar days counting from the date of its appointment. The setting up of an Electoral office to supervise the elections of a new Board and the procedural rules in accordance with which the elections shall be carried out are set out in *Implementing rule 5: Board electoral rules*.

Section 2 – Board electoral rules

Article 41

(Implementing rule)

Pursuant to Article 72 of the bylaws, the Board shall draft an *Implementing rule 5: Board electoral rules* governing both election of the Board and its members and replacements.

Section 3 – Board decision-making process

Article 42

(Quorum and voting rules)

1. The decision-making process of the Board is subject to a constitutive quorum as established in *Implementing rule 6: Governance and functioning of the governing bodies*.
2. The decisions of the Board shall be, to the extent possible, taken by consensus. Nevertheless, the following voting rules shall apply:
 - a) In cases when a vote is needed, the decisions of the Board are taken by simple majority as established in *Implementing rule 6: Governance and functioning of the governing bodies* (with the chair having a quality, tie-resolving vote), except for the cases where the present bylaws establish a different type of majority (Article 2(4), Article 9(5), Article 34(5) and Article 52(2)).

b) The members of the Board can either vote directly or from distance or delegate their vote to other fellow-member by documented proxy (only one vote by proxy is accepted). Voting is recorded, unless the chair, after hearing the Board, approves a secret vote. If the chair is not yet appointed in accordance with Article 34(2) above, a secret vote may be approved by the Board by simple majority provided it has been previously asked by three Board members. Dissenting positions, upon request, shall be recorded in the minutes of the Board meeting.

3. The proxy referred to in paragraph 2(b) above must be communicated to the chair and to the secretary of the Board.

Article 43

(Implementing rule)

Pursuant to Article 72 of the bylaws, the Board shall draft an *Implementing rule 6: Governance and functioning of the governing bodies*. It shall *inter alia* govern the following matters:

- (i) quorum and meaning of each type of majority relevant to the internal decision-making process,
- (ii) the frequency and organisation of its meetings; and
- (iii) the decisional procedures to be complied with by the governing bodies.

Section 4 – General Assembly

Article 44

(Definition)

The General 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.

Article 45

(Composition and exercise of rights)

1. The General Assembly is formed by all members.

2. At the General Assembly meetings, the full and honorary members enjoy eligibility and voting rights unless suspended in accordance with the situations listed in Article 12(3) and Article 16(5) above.

3. The exercise of eligibility and voting rights as set out in Article 12(2) and Article 16(3) and (4) above is subject to the payment of the membership fee at least 20 calendar days prior to the date of a General Assembly meeting.

Article 46

(Chairperson and meetings)

1. The General Assembly can meet either in an ordinary or extraordinary format.

- a) An ordinary General Assembly is called by the Board at least once a year.
- b) An extraordinary General Assembly can be called by the Board either on its own initiative, or at the request of the Steering Committee or at the request of 30 full members. The request to convene the General Assembly shall be delivered in writing and include an agenda. An extraordinary General Assembly cannot be called within 6 months since the last extraordinary General Assembly.

2. The General Assembly is chaired by the chair of the Board; it elects itself a secretary, which is responsible for the minutes of the meeting. The minutes, upon request to the secretariat of Generation 2004, shall be provided to the requesting member within seven calendar days following its adoption.

3. In case of justified absence of the chair of the Board, the chair of the General Assembly is one of the vice-chairs, or in case of absence of the vice-chairs, the chair of the General Assembly is the most aged Board member. For a General Assembly which agenda contains a vote for the dismissal of the Board as referred in Article 40(3) above, immediately after the confirmation of the agenda as the first point, a new chair, which must not be part of the current Board, shall be elected by the General Assembly with simple majority.

Article 47

(Convocation)

1. The General Assembly shall be convoked a minimum of 14 calendar days in advance, with a specific agenda and an established place, time and hour.
2. The agenda shall clearly indicate the points and the time for which a vote is required. To this end, it shall also include a warning notice in which the attendees are informed if the voting is taking place beyond the planned timeline in the approved agenda, the decision will be automatically taken by written procedure, for which full and honorary members holding voting rights and previously registered in the meeting will be exclusively called for voting. The convocation for the written procedure will be ensured by the secretariat of Generation 2004 within seven calendar days counting from the date of the meeting.
3. The internal organisation of the General Assembly shall allow for proxy representation of members (limited to a maximum of five proxies per representing member), and for distance participation and voting. The vote by proxy shall be communicated to the chair of the General Assembly or to the secretariat of Generation 2004 at least three calendar days prior to the date of the General Assembly meeting.

Article 48

(Quorum)

1. For a valid constitution, the General Assembly needs to reach a quorum of 100 members holding voting rights. To this end, both members participating in the meeting and members represented by proxy are counted.
2. Whenever the 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 constitutive quorum rule is applicable.

Article 49

(Voting rules)

1. The General Assembly adopt decisions by consensus. Whenever required by the bylaws or by the implementing rules, the General Assembly adopts decisions by simple majority, or by qualified majority of two-thirds or by qualified majority of three-quarters ('three-quarters majority' or 'supermajority') as established in *Implementing rule 6: Governance and functioning of the governing bodies*.
2. 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.
3. When counting votes for a qualified majority, non-valid votes, blank votes and abstentions shall be excluded in calculating a two-thirds or a three-quarters majority vote.
4. The General Assembly adopts the following decisions by simple majority:
 - a) the creation of a new section when the Board issues a negative decision (Article 6(5)),
 - b) the appointment of honorary members (Article 16(2)),
 - c) the approval of the annual membership fees (Article 21(2)),
 - d) the approval of an increase of expenditure equal or greater to 25% of the annual budget (Article 25(6)),
 - e) The approval of the Board proposal on hiring staff (Article 29(3)),
 - f) the election of the Board members (Article 35(1)),
 - g) the approval of the annual Board report of activities, including the financial execution report, and of the draft annual plan, including the draft yearly budget (Article 40(1)),
 - h) the refusal of the Board request to submit a revised draft annual report and budget for year N (Article 40(2) and (3)),
 - i) the approval of the revised version of the draft annual report and budget for the year N (Article 40(3)),
 - j) the appointment of a new chair of the General Assembly meeting that will decide on the dismissal of the Board (Article 46(3)),
 - k) the creation and approval of the mandate of *ad-hoc committees* (Article 50(1) and (2)),
 - l) the approval of the *ad-hoc members* of the Steering Committee (Article 52(3)),

- m) the election of the Disciplinary Committee in parallel to the election of the Board and any change in its composition (Article 69(2)),
- n) the approval of new implementing rules and of amendments to existing ones (Article 72 (2) and (3) and Annex II),
- o) any other decision concerning items included in the Assembly agenda, excepting those explicitly addressed in paragraphs 5 and 6 below, or requested by law.

5. The General Assembly adopts the following decisions by qualified majority of two-thirds:

- a) the change of the legal form of the staff association at the request of the Board (Article 1(4)),
- b) the creation and termination of a new section, corresponding adaptation of the present bylaws and transitional provisions (Article 6(6)a) and b) and Article 7(1)),
- c) the dismissal of the Board and the appointment of an interim board (Article 40(5)) and any other decision where a qualified majority is requested by the bylaws or by an implementing rule,
- d) the amendment of the present bylaws (Article 71(4)).

6. The General Assembly adopts the decision of dissolution of the staff association by qualified majority of three-quarters (Article 73).

Article 50

(Ad-hoc committees)

1. The General Assembly, at the request of the Board, approves by simple majority the creation of *ad-hoc committees* for whatever goals it considers appropriate, provided they do not interfere with the functions of the Board.

2. The General Assembly shall also approve by simple majority their mandate (by defining a mission and stating its goals, scope, expected delivers and duration).

3. The Board shall facilitate the work of the *ad-hoc committees* by providing sufficient resources to their operation.

4. The *ad-hoc committees* shall regularly report to the General Assembly until its dissolution.

Advisory bodies

Section 5 – Steering Committee and its subcommittees

§ Steering Committee

Article 51

(Definition)

The Steering Committee is the advisory body of the association. As such, it will act as a forum of discussion called upon, whenever necessary, by the Board or by the General Assembly, to issue political and operational guidelines, recommendations and opinions. It will strive to enforce at every moment the principles of collegiality, transparency, accountability, prudent management, and institutional independence.

Article 52

(Mandate and composition)

1. The Steering Committee is an assembly of *ad-hoc members* and Generation 2004 members elected in independent or joint lists to a Local Staff Committee election. The members of the Board cannot be members of the Steering Committee.
2. *Ad-hoc members*, up to a maximum of twenty, are chosen by means of a call for interest organised by the Board. The call for interest shall be preceded by a decision from the Board evaluating the need for a such large composition of the Steering Committee, which is adopted by a qualified majority of two-thirds as established in *Implementing rule 6: Governance and functioning of the governance bodies*. The Board must take this decision within the period established in *Implementing rule 7: Governance and functioning of the Steering Committee and its subcommittees*.
3. If the Board decides to organise a call for interest, the list shall be further submitted to the General Assembly for approval by simple majority. If the Board decides not to organise a call for interest, the Steering Committee will operate exclusively based on elected members.

4. The members of the Steering Committee have the right to propose topics for discussion, intervene at the meetings, and actively contribute to the preparation of guidelines, recommendations and opinions on subject-matters with a major interest to the staff association.

5. The mandate of the members of the Steering Committee is three years. The appointment of the members of the Steering Committee follows an election to the Local Staff Committee or the appointment by the General Assembly following the procedure set out in paragraphs 2 and 3 above.

Article 53

(Observers)

1. Observers to the Steering Committee are:

- a) Members of the Board,
- b) Any section not represented at the Steering Committee is entitled to appoint one observer in accordance with the principles laid down in Article 8(3) above,
- c) For a European institution, body, office or agency with members but not constituting a section, the Board may appoint, by simple majority, one observer to the Steering Committee.

2. Members appointed as observers to the Steering Committee can take the floor at its meetings but have no voting rights.

Article 54

(Meetings)

1. The Steering Committee elects its coordinator and secretary. The coordinator chairs the meetings.

2. The agenda shall clearly indicate the points for which a vote is required.
3. The convocation for the meetings will be ensured by the secretariat of Generation 2004.
4. The Steering Committee shall meet on a regular basis.

Article 55

(Decisions)

1. The Steering Committee adopts guidelines, recommendations and opinions by a simple majority regarding subjects submitted by the Board or by the General Assembly.
2. With regards to proposals for discussion to be included in the agenda by a group of at least five of its own members, or to any other matter of general interest, the decision shall be, to the extent possible, taken by consensus. If a consensus is not reached, a decision shall be adopted by simple majority as established in *Implementing rule 6: Governance and functioning of the governing bodies*.
3. Pursuant to Article 69(1) the Steering Committee may propose to the Board opening a disciplinary procedure against a member or a group of members of the association. This decision is adopted by qualified majority of two-thirds as established in *Implementing rule 7: Governance and functioning of the Steering Committee*.

Article 56

(Reporting)

The Steering Committee reports annually to the General Assembly.

§ Subcommittees

Article 57

(Definition)

The subcommittees of the Steering Committee are created on *ad-hoc* basis to work on specific topics of interest for the staff association.

Article 58

(Composition)

The subcommittees are formed:

- a) by the coordinator and by the Steering Committee members,
- b) by other members further to a call for interest publicly advertised in the Generation 2004 website.

Article 59

(Mandate)

1. The decision creating a subcommittee shall define its written mandate, stating its goals, scope and duration.
2. The subcommittees are appointed by the Steering Committee which approves by simple majority their mandate and composition. The appointment of the subcommittees shall be confirmed by the Board with simple majority.
3. Any change to the mandate or to the composition of a subcommittee shall be approved by the Steering Committee by simple majority.

Article 60

(Reporting)

The subcommittees 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.

Article 61

(Implementing rule)

Pursuant to Article 72 of the bylaws, the Board shall draft *Implementing rule 7: Governance and functioning of the Steering Committee and its subcommittees*.

Title VII – Administrative and political support

Article 62

(Secretary General)

1. Pursuant to Article 34(4) above a secretary general may be appointed by the chair. The secretary general shall act as chief administrative officer and perform the functions and tasks entrusted by the chair in line with the management decisions of the Board. The secretary general is responsible for the administrative coordination between the seconded team and the Board, the General Assembly and the Steering Committee and between these bodies and the sections and between sections.
2. The secretary general shall be a Generation 2004 member with a minimum of one year of full membership and a good knowledge of the internal functioning of the association. The secretary general will serve the post without remuneration.
3. The appointment to the post of secretary general may either fall to a Board or to a non-Board member. If the appointed secretary general is a non-Board member he or she will be implicitly considered as an observer to the Board as provided for in Article 37(4) above and will enjoy the rights set forth in Article 37(5). The secretary general shall attend the General Assembly meetings in its capacity of chief administrative officer and can take the floor at the request of the chair of the General Assembly.

Article 63

(Secretariat of Generation 2004)

The secretariat of Generation 2004 provides administrative support to the proper implementation of policies, actions and tasks assigned to the Generation 2004 governing and advisory bodies as set forth in the present bylaws (Articles 6(3),

14(1)(a), 12(2), 18 (1), (2), (4), (6) and (7) , 27(4), 28(3), 31 (1)(a), 40(1), 47(2), 48(2) and (3), (55(3) and 71(2) and (3)) and in point 6 of Annex II.

Article 64

(Political Secretary)

1. Pursuant to Article 34(5) of the bylaws the Board, upon proposal of the chair, may appoint a political secretary of the association. The political secretary is responsible for running the political work of the organisation and its representation towards members and third-parties subject to the tasks and political orientation entrusted by the Board in compliance with the mission, objectives and principles of the association.
2. The political secretary shall be a Generation 2004 member with a minimum of one year of full membership and a very good knowledge of the internal functioning of the association. The political secretary will serve the post without remuneration.
3. The appointment to the post of political secretary may either fall to a Board or to a non-Board member. If the appointed political secretary is a non-Board member he or she will be implicitly considered as an observer to the Board as provided for in Article 37(4) above and will enjoy the rights set out in Article 37(5). The political secretary shall attend the General Assembly meetings in its specific capacity and can take the floor at the request of the chair of the General Assembly.

Title VIII

Ethics and disciplinary procedure

Section 1 – Ethics and conduct rules

Article 65

(Ethical duties of members)

All members, irrespective of their status, pledge to comply with the bylaws and the implementing rules of the staff association, and to contribute to its governance through the participation in the General Assembly.

Article 66

(Ethical duties of elected or appointed positions)

All elected or appointed positions pledge to always behave honestly and prudently in their interactions with any member of Generation 2004 or with any other representative of unions or staff associations in the European Union institutions, bodies, offices and agencies.

Article 67

(Ban of credit operations and payment of services)

1. Generation 2004 shall abstain from entering, either independently or jointly, as well as directly or indirectly, in any credit operation.
2. The payment of services is not allowed to Generation 2004 members. However, the reimbursement of costs upon delivering of proof will be explicitly authorised.

Article 68

(Implementing rule)

Pursuant to Article 72 of the bylaws, the Board shall draft an *Implementing rule 3: Ethics and conduct rules*. This implementing rule will govern, inter alia, possible situations of conflict of interest, hindrances to governance as well as internal and external incompatibilities.

Section 2 – Disciplinary procedure and guarantees

Article 69

(Scope and disciplinary committee)

1. The Board can initiate a disciplinary procedure against any member of Generation 2004, including Board, General Assembly 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 mission, principles and objectives of the association, or who does not systematically respect the bylaws

and its corresponding implementing rules. The Board acts by its own initiative or at the request of the Steering Committee.

2. The Disciplinary Committee is an independent auxiliary body aiming to carry out a disciplinary procedure previously initiated by decision of the Board against a member or a group of members for alleged breach of the mission, principles, objectives and rules of the staff association (i.e. bylaws and the corresponding implementing rules). The General Assembly elects the Disciplinary Committee and approves changes to its composition by simple majority in accordance with *Implementing rule 6: Governance and functioning of the governing bodies*.

Article 70

(Implementing rule)

Pursuant to Article 72 of the bylaws, the Board shall draft an *Implementing rule 4: Disciplinary procedure and guarantees*, particularly in matters relating to:

- a) composition and role of the Disciplinary Committee,
- b) disciplinary measures,
- c) rights of the defendant and of the witness,
- d) disciplinary proceedings,
- e) special provisions to be applied to Board, General Assembly and Steering Committee members subject to a disciplinary procedure.

Title IX – Final provisions

Article 71

(Amendment of the bylaws)

1. The bylaws may be amended whenever necessary at the initiative of the Board or at the initiative of 10 full members. In the latter case, the proposed amendments ('the proposal') must be submitted to the Board.

2. The Board shall endorse the proposal to the General Assembly within one month from the date on which the proposal has been acknowledged on behalf of the Board by the secretariat of Generation 2004. The Board shall notify the authors within seven calendar days of its reception.

3. If the Board does not endorse the proposal to the General Assembly, the authors have the right to submit it directly to the General Assembly for discussion and approval, provided the proposal is signed by 15 of the elected members or by 30 full members. The secretariat of Generation 2004 will assist the authors concerning the awareness of the drafting proposal within the members.

4. In both cases, the General Assembly approves the amendment of the bylaws by qualified majority of two-thirds.

Article 72

(Implementing rules)

1. In accordance with the list and the decision-making process set out in Annex II, the Board shall draft implementing rules for developing the present bylaws.

2. Having regard the practical implementation of the present bylaws, new implementing rules may be drafted at the initiative of the Board or at the initiative of five full members, whenever is needed, accompanied by the necessary changes into existing implementing rules. The General Assembly shall approve new implementing rules in accordance with the procedure set out in paragraphs 2 and 3 of Annex II.

3. The implementing rules may be amended, whenever necessary, at the initiative of the Board or at the initiative of five full members. When the amendment proposal is done at the initiative of full members, the procedure and decision-making process will follow *mutatis mutandis* Article 71(2) and (3) above. The General Assembly shall approve amendments to existing implementing rules in accordance with the procedure set out in paragraph 4 of Annex II.

Article 73

(Dissolution)

Generation 2004 shall be deemed to be dissolved by decision of the General Assembly adopted by a qualified majority of three-quarters ('three-quarters majority' or 'supermajority') as established in *Implementing rule 6: Governance and functioning of the governing bodies*.

Article 74

(Entry into force)

The bylaws and its implementing rules shall enter into force on the following day to its approval by the General Assembly.

Article 75

(Publication)

The bylaws and its implementing rules shall be published on the website of Generation 2004.

Certified that is true and correct copy of the original.

ANNEXES

Annex I – Founding members

(only available to members for data protection reasons)

Annex II – Implementing rules

1. The Board shall draft implementing rules for developing the present bylaws, in accordance with the following list:

Implementing rule 1: Internal functioning of the sections

Implementing rule 2: Application for membership, acceptance and registration

Implementing rule 3: Ethics and conduct rules

Implementing rule 4: Disciplinary procedure and guarantees

Implementing rule 5: Board electoral rules

Implementing rule 6: Governance and functioning of the governing bodies

Implementing rule 7: Governance and functioning of the Steering Committee and its subcommittees

Implementing rule 8: Staff hired

2. The new draft implementing rules shall be submitted to review of the Steering Committee, which will express in writing an opinion about their coherence with the bylaws and with previously existing implementing rules, so as about their effectiveness.

The Steering Committee opinion must be issued within one month counting from the date of the reception of the request for review by the coordinator of the Steering Committee. It shall include proposals of modification, whenever appropriate. The opinion of the Steering Committee shall be adopted by simple majority as established in *Implementing rule 7: on governance and functioning of the Steering Committee*. If at the end of the period referred to above no reply to the consultation has been issued by the Steering Committee, this lack of reply to the consultation shall be deemed to constitute a tacit approval.

3. Further to the reception of the Steering Committee opinion, the Board will either accept the recommendations from the Steering Committee to change the draft implementing rule(s) or will justify in writing why the modification requested shall not be included in the draft. In both cases, the Board decides by simple majority. The Board shall further submit the draft to the approval of the General Assembly to become valid implementing rule(s). The General Assembly decides by simple majority as established in *Implementing rule 6: Governance and functioning of the governing bodies*.

4. The amendment of an existing implementing rule is subject to the decision-making process described in paragraphs 2 and 3 above.

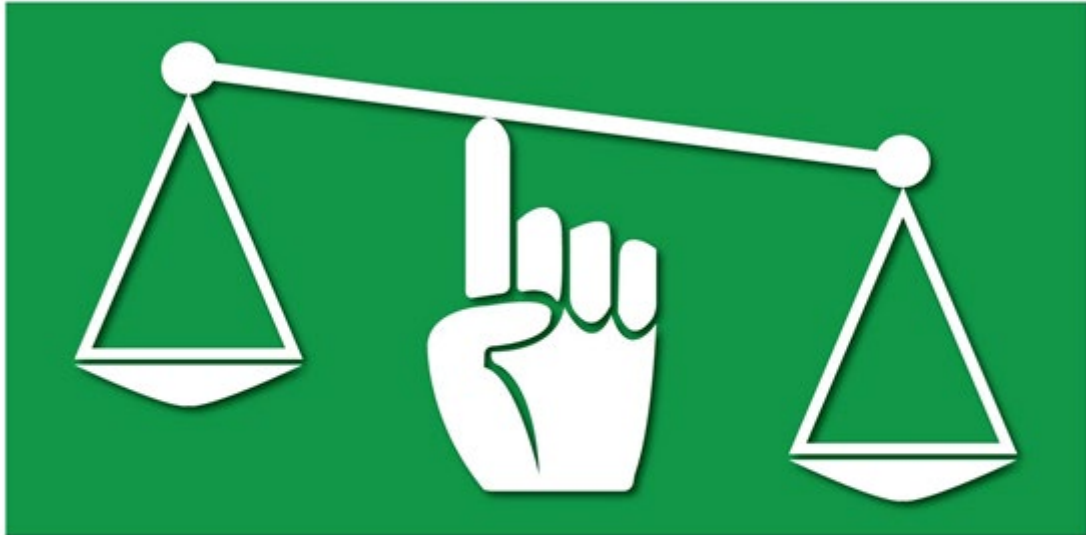
5. Pursuant to Article 72(2) and (3), the draft of a new implementing rule or the amendment of an existing implementing rule may also be done at the initiative of five full members. In such case, with the necessary adaptations, the procedure described in paragraphs 2 to 4 above applies.

6. The Board shall ensure the adequate publicity to the valid implementing rules. The implementing rules must be published on the website of Generation 2004.

Article 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*

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GENERATION 2004



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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.

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 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.

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 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 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 unionsArticle 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 practice 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 18th 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">▪ 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);▪ which confirms that it has been legally constituted.
Representative organisation	A representative organisation is a recognised organisation which meets the following two criteria: <ul style="list-style-type: none">▪ 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;▪ It has at least 400 fully paid-up members who are officials, other servants or retired officials of the European Commission.
Signatory representative organisation	A signatory representative organisation is a representative organisation that has signed this Framework Agreement.

Annex V – List of sections

Having regard to Article 5(2) of the bylaws, Generation 2004 sections are the following:

- **European Commission (EC):**
 - Section Brussels
 - Section Luxembourg
 - Section Outside of the Union
 - Section Ispra/Seville

- **External European Action Service (EEAS):**
 - Section EEAS

Brussels, 8 October 2024