

Ispira, 21 June 2016

LETTER TO THE ATTENTION OF IRENE SOUKA
DG HUMAN RESOURCES AND SECURITY

Subject: **Use of national law contracts at the JRC**

Dear Ms Souka,

Following the discussions held today during a meeting of the Research Liaison Committee¹ (COCORE), chaired by the Director General of the JRC, we wish to point out the following:

- In relation to the arrangement of this meeting, we are obliged to bring to your attention the inappropriateness of convening a meeting on a crucial staff policy point with less than two days' notice and without "documents de séance". We take note that we were never directly informed, in any formal or informal context, of the desired shift of JRC's staff policy towards national contracts, which we first discovered – indirectly – during discussions with DG HR concerning the new GIPs on Contractual Agents.

It is also to note that we received, 15 minutes before the meeting, an endorsement of the "JRC Board of Governors" of the national contract scheme for the JRC, dated 17th June (see annex). We wonder if the definition of the Commission staff policy is a new task of this body.

- In relation to the content of the discussion concerning the requested derogation to allow the JRC to circumvent Commission rules and practices making use of national contracts, we wish to express our strong opposition to any deviation from previous agreements taken with VP Kallas and Commissioner Potočnik during the political concertation of 2009. The magnitude of the requested derogation is also particularly shocking, considering that 12% of JRC staff (~360 posts) is equal or superior to the size of the following DGs²: ENV, JUST, MARE, MOVE, CLIMA, ECHO, FISMA, and several offices (OIB, OIL, OLAF, ...).

We are convinced that the Staff Regulations already provide the necessary tools to successfully fulfil JRC's scientific tasks, in full coherence with the efforts of the Commission to allow a free circulation of researchers shielding them from the bureaucratic barriers of each Member State in terms of taxation, social and health protection, pension scheme. Our experience confirms that we should avoid to revert to a previous *status quo* which caused in the past very difficult situations to both the Commission and staff employed under national law contracts. The Commission is not, and will never become, a national employer due to the differences in the National labour laws in place in different Member States.

For Ph.D. students, we believe that the JRC may host them in the context of collaboration with universities. If cost should be co-financed, a solution may be found under the umbrella of the Staff Regulations. For instance, as anticipated during the COCORE meeting, we remind that in several European countries Ph.D. students are offered part-time contracts to reconcile work with their obligations at their universities. This solution, if considered, could easily solve several issues such as fair and transparent selection procedures, equal treatment of staff, safety at work, social and health insurance, salary level, etc. thus reducing at the same time the risk of their exploitation as cheap workforce.

¹ Art 8 of the Commission Decision of 15 July 2005 on improving social dialogue in the Commission through Joint Committees, C(2005)2665

² Considering the staff table on 1st January 2017

For extra EU nationals, we remind that a derogation to offer them national contracts is currently in place at the JRC. In case a real requirement for their presence within the European Institutions is confirmed, such derogation should be limited to a minimum set of contracts – and certainly not for a hundred of them.

For senior scientists, staff regulations offer several options: the FGIV top grade, for instance, has a salary level comparable with the one offered via national contracts. Temporary agent contracts, when the staff table level will permit their hiring, may also provide a solution offering the best opportunities.

Lastly, we regret to observe that the attitude of the Director General of DG JRC during the meeting was considered by all staff representatives as highly inappropriate, as he showed a refusal to listen to constructive proposals put forward by many staff representatives. Several colleagues also felt the professional competence of a large part of the staff was put in discussion. We wish to express our deepest worries for the correct functioning of the COCORE which may be jeopardised by the observed behaviour.

We also consider unacceptable his statement that the joint declaration of two Commissioners, which closed the concertation on the JRC Human Resources Policy in 2009, is not binding any more and it should be considered as an obsolete document.

For the reasons above, the Central Staff Committee and ALL Trade Unions strongly invite you to fully exploit your role of watchdog of the Staff Regulations, and impede any derogation that will set the JRC apart from standard Commission rules and practices. The natural context for these discussions and subsequent decisions is the ongoing technical concertation on the GIPs for contractual agents.

Ignazio Iacono
CCP

Cristiano Sebastiani
ALLIANCE

Monica Ermolli
USF

Lyubomira Nesheva
GENERATION 2004

Gina Dricot-Daniele
SAVE EUROPE

Philippe Bacri
FFPE

George Vlandas
U4U

Cc: Ms K. Georgieva
Mr T. Navracsics
Mr M. Selmayr
Mr V. Šucha
Mr C. Roques