



SHIPWRECKED OF THE REFORM: THE FIGHT MUST GO ON

Were you recruited after 1 May 2004, as a result of passing a concours before that date?

Meeting the On 25 March 2009, at 13:00 at LOI 80 02/CCP meeting room

The Appeal to the European Court of Justice in the 'Centeno' case on grading on recruitment (after 1 May 2004, as a result of concours before that date) was not successful.

The Centeno group had gone to Court¹ to argue that their 'junior' grading on recruitment was illegal; given that they had passed concours at much higher grades.

Referring, no doubt to the fact that the Commission sneakily recruited some laureates after 17:00 on 30 April 2004, the Advocate General, in her opinion on this case, stated clearly that all persons on the same concours list were in comparable situations and should be treated equally, **and that the Centeno group (and about 2,500 colleagues) had been discriminated against.**

The judgement however simply stated that there was no discrimination. The judgement does not in any way back up its reasoning on this, nor explain why it deviated from the reasoning of the Advocate General. R&D remains convinced that the 'Centenos' have been unjustly discriminated against.

Significant European personalities have gone on record expressing their **strong criticism** of the situation; as well as Advocate General Sharpston, the European Parliament² and Commissioner Reding³ have both expressed, in different ways and contexts, their dissatisfaction with this situation.

Even so, we must accept this judgment. Since the beginning of this sad story, the 2,500 staff concerned have acted loyally, hoping for justice. But **justice does not appear to have been done.** So the moment has come to pursue our fight for justice with other loyal and law-abiding means.

We must act. We must act out of respect for the European Civil Service, and also for self-respect. We have the right to know what the European Institutions are planning for the **second-class careers that this outrage has forced upon us.**

R&D has supported this fight from the beginning. **R&D** did oppose the new Staff Regulations, correctly foreseeing the sour divide they were certain to create. After 1st May 2004, it did support with all means - financial, political, technical - the legal battle. And now **it is going to support, as a leading, responsible Union** the demands of colleagues who are not ready to accept that their earnest efforts for becoming European Officials are mocked by an administrative and political whim which condemns them forever to a second-class career as a junior.

¹ C-443/07

² See Cabinet News Nr 22, 5th October 2007 page 2

³ See judgement in case F-21/06 Da Silva v Commission, para 33

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Political secretary/Secrétariat Politique: Helena Ferreira Ramos VLAHOPOULOS (61005), Marco PINO (57371)

Members of the Executive Committee: Franco IANNIELLO, Giuseppe ADURNO, Isa BIRKE, Domingos DIAS, Michael DOCHERTY Fabien DURAND, Raymond HILL, Emile KIMMAN, Raffaele NAPOLITANO, Michele OTTATI, Helena Ferreira Ramos VLAHOPOULOS, Helga VOGELMANN, Cristiano SEBASTIANI, Helen SUTCLIFFE, Bruno UGUCCIONI.



On 25 March 2009, at 13:00 at LOI 80 02/CCP meeting room – R&D is organising a working group in order to decide, with your help, how to tackle this new situation. We intend to discuss possible further legal strategies; to establish an agenda for advancing our rights; to generate new ideas; bring people together and share resources in this ongoing battle for justice.

The ideas and strategy generated by this working group will be discussed with our lawyers and shared with everyone at a grand assembly, to be organised in the very near future.

Do you continue to be disgusted by this murky affair?

Do you continue to be disgusted by the junior grade that you were given, even though you passed a higher grade concours?

Do you continue to be disgusted by the hastily arranged recruitments on the afternoon of 30 April 2004?

Do you continue to be disgusted by the failure of the promise of faster careers for the ‘new recruits’?

Then come along to this working group on **25 March 2009** and bring your ideas with you. Our strength comes from acting together.

Shall we ever again let the supporters of the 2004 Kinnock reform touch on our Staff Regulations ?

Taking into account the result of this long and expensive battle, staff need to understand that supporting the right trade union may prevent other disasters that are pending on the horizon in the near future.

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