

MEMORANDUM OF UNDERSTANDING

CONCERNING THE MODALITIES AND PROCEDURES OF INTERACTION

BETWEEN THE EXECUTIVE AGENCIES AND THE TRADE UNIONS AND STAFF ASSOCIATIONS

The Consumer, Health and Food Executive Agency, Education, Audiovisual and Culture Executive Agency, European Research Council Executive Agency, Executive Agency for Small and Medium-Sized Enterprises, Innovation and Networks Executive Agency and the Research Executive Agency,

Hereinafter collectively referred to as the Executive Agencies

And

The representative TRADE UNION and STAFF ASSOCIATIONS;

Having regard to Articles 27 and 28 of the European Charter of Fundamental Rights;

Having regard to Articles 10c and 24b of the Staff Regulations of Officials of the European Union;

Having regard to Articles 11 and 81 of the Conditions of Employment of Other Servants of the European Union;

Having regard to Articles 7(2) and 11(6) of Council Regulation (EC) No 58/2003 laying down the statute for Executive Agencies;

WHEREAS there is a shared interest of the Executive Agencies and the Trade Union and Staff Associations to explore ways of collaborating for the benefit and wellbeing of the staff of the Executive Agencies,

WHEREAS the Trade Unions and Staff Associations as recognised by the European Commission represent a valid partner for discussion with the Executive Agencies,

WHEREAS it is important that the modalities and procedures of interaction are drawn so as to ensure a smooth collaboration,

HAVE AGREED TO THE FOLLOWING:

1. The parties to this Memorandum confirm their support for the freedom of association as laid down under Articles 27 and 28 of the Charter of Fundamental Rights.



2. The Executive Agencies recognise the role and responsibility of the Trade Unions and Staff Associations that represent the Agencies' staff by involving them, where possible, in a transparent and effective manner.
3. The provisions of this Memorandum do not alter in any way the rights and status of the Executive Agency Staff Committees.
4. The parties to this Memorandum recognise that being an elected member of the Staff Committee and participation in its activities, being a member of a Trade Union or Staff Association, or participating in Trade Union or Staff Association activities or the holding of office in a Staff Committee or a Trade Union or a Staff Association shall in no way adversely affect the member's professional position or career. Executive Agencies will provide the means in order to allow for an effective social dialogue.
5. The Executive Agencies undertake to hold at least two meetings yearly to discuss pertinent issues for the benefit of the staff of the Executive Agencies with the Trade Unions and Staff Associations. Each one of the Executive Agencies, on a rotational basis, shall chair and organise the meeting. Where necessary, additional meetings can be convened at the request of any of the two parties.

A representation of the Common Staff Committee and the Executive Agency Staff Committees shall be invited as observers to these meetings. Representatives of parent Directorates-General and/or of DG HR can also be invited to these meetings, should the items of the agenda so justify.

To the extent possible, the delegation of the Trade Unions and Staff Associations attending these meetings should include staff of the Executive Agencies.

The Executive Agency chairing the meeting, in consultation with the other Executive Agencies and the Trade Unions and Staff Associations, sets the agenda and, following the meeting, operational conclusions are circulated.

6. At the beginning of each year, the Executives Agencies and the Trade Unions and Staff Associations shall mutually define an agenda for discussion for the benefit of the staff of the Executive Agencies. The Common Staff Committee and, until the rules of procedure of the Common Staff Committee are adopted, the Executive Agency Staff Committees

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should also be consulted. This agenda may change according to the Executive Agencies' work programme and current social issues at any given time.

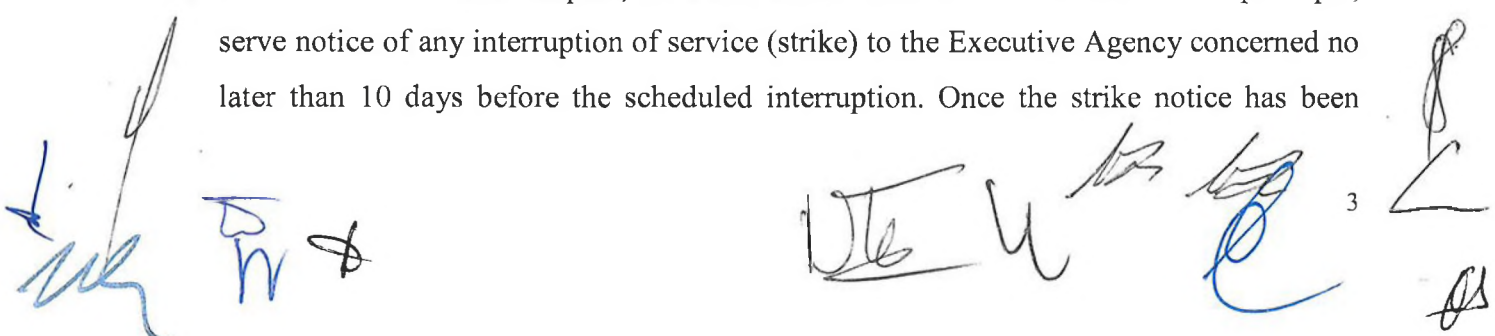
7. When there is a major disagreement and after all the normal procedures for consultations with the administration have been exhausted, the Common Staff Committee or, until the rules of procedure of the Common Staff Committee are adopted, any Executive Agency Staff Committee may ask Trade Unions and Staff Associations to request an urgent meeting with Executive Agencies in order to find a solution to the disagreement, for the benefit of the staff.
8. According to Article 110 of the Staff Regulations, implementing rules adopted by the Commission after negotiation with Trade Unions and Staff Associations apply by analogy to the Agencies, and the Commission shall inform the Agencies only after the adoption of any such implementing rule.

Under these conditions, the Trade Unions and Staff Associations intend to support the interests of the staff of Executive Agencies during the negotiations with the Commission on the implementing rules, which will also be applicable to them by analogy.

For this purpose, during the above negotiations with the Commission, Trade Unions and Staff Associations will include representatives of the Executive Agencies in their delegations for the negotiation of those rules with the Commission.

Trade Unions and Staff Associations will also invite representatives of the Common Staff Committee and Executive Agency Staff Committees to attend these negotiations.

9. Without prejudice of the rights and statutes of the Common Staff Committee and the Executive Agency Staff Committees, Executive Agencies will inform Trade Unions and Staff Associations of any request submitted according to Article 110 paragraph 2 of the Staff Regulations to the Commission for its agreement concerning (i) implementing rules which are different from those adopted by the Commission, or (ii) for the non-application of certain of those implementing rules, or (iii) for implementing rules which concern subjects other than the implementing rules adopted by the Commission.
10. In the event of a labour dispute, the Trade Union and Staff Association shall in principle, serve notice of any interruption of service (strike) to the Executive Agency concerned no later than 10 days before the scheduled interruption. Once the strike notice has been

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served on the Executive Agency concerned, the requisition of staff shall be drawn jointly and the restricted list of staff required to remain at their posts shall be communicated to all staff.

11. The Executive Agencies recognise the freedom of action for staff choosing to strike. Staff choosing to strike shall be free to do so without let or hindrance. They shall not be paid for those days on strike.
12. The parties to this Memorandum undertake to review the implementation of this Memorandum within a maximum of two years after its entry into force. During this time, the parties to this Memorandum shall endeavour to reach an agreed Framework Agreement to regulate this interaction under Article 10c of the Staff Regulations.
13. The Trade Unions and Staff Associations will develop their activities to ensure their full representativeness in each Agency.
14. This Memorandum cannot prevent in any case the rights for the Executive Agencies staff to create their own Trade Unions or Staff Associations.


SIGNATURES

For the Executive Agencies

- CHAFEA, Veronique Wasbauer, Director,

Signature: 

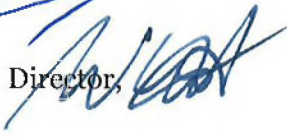
- EACEA, Roberto Carlini, Director

Signature: 

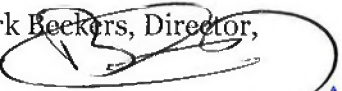
- EASME, Julien Guerrier, Director,

Signature: 

- ERCEA, Waldemar Kütt, Acting Director,

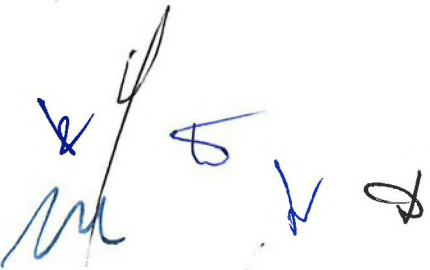
Signature: 

- INEA, Dirk Beekers, Director,

Signature: 

- REA, Marc Tachelet, Director,

Signature: 



For the Trade Unions and Staff Associations:

- **ALLIANCE**, Cristiano SEBASTIANI, secretary general

Signature:

Done at Brussels, date:

Grouping the following Trade Unions

Renouveau et Démocratie (R&D), Cristiano SEBASTIANI

Signature:

Tao Afi, Raul TRUJILLO HERRERA

Signature:

Union Syndicale Luxembourg (USL), Miguel VICENTE NUNEZ

Signature:

Save Europe, Christophe STAS

Signature:

SFE, Alain HUBRECT

Signature:

- **GENERATION 2004**, Lukasz WARDYN chairperson

Signature:

Done at Brussels, date: 23.01.2020

- **Union Syndicale fédérale (USF)**, Nicolas MAVRAGANIS, chairperson

Signature:

Done at Brussels, date:

- **Rassemblement Syndical (RS)**, Georges VLANDAS Co- chairperson

Signature:

Done at Brussels, date:

- **FFPE** Stafakis STEFANIDIS chairperson

Signature:

Done at Brussels, date: 23 January 2020

Done at Brussels on 23 January 2020.