



EUROPEAN COMMISSION

Consumers, Health, Agriculture and Food Executive Agency (CHAFEA)
Executive Agency for Education, Audiovisual and Culture (EACEA)
Executive Agency for Small and Medium-sized Enterprises (EASME)
European Research Council Executive Agency (ERCEA)
Innovation and Networks Executive Agency (INEA)
Research Executive Agency (REA)

**Operational conclusions of the meeting between the Executive Agencies,
the Trade Union Representatives and the Executive Agencies' Staff
Committees**

08 December 2020, 16.30-18.00

1. Introduction

This meeting was the second one organised in 2020 in the framework of the social dialogue foreseen in the Memorandum of understanding.

The agenda included two main points: the follow-up to be given to proposals made in the Working Groups on the one hand and an exchange of views on the future delegation to the Executives Agencies (EAs) on the other hand.

The Chair (Luisa Prista, acting Director EASME) thanked the Common Staff Committee and Staff Committees as well as the colleagues from Human Resources units of the EAs who have worked on establishing the list of proposals. It is the first time such an exercise was done and it constitutes an important first step, even if further work still needs to be done.

The Trade Unions thanked the directors for the sustained dialogue and the progress made on topics of interest for the staff of the EAs. They agreed with the Chair that further work is still needed and emphasized that the alignment of the EAs with European Commission rules is very important.

2. Discussion on the proposals from the working groups

The outcome of the meeting (operational conclusions) is shown in the last column of the tables below.

2.1. Proposals for which consensus was reached at Directors’ level

WG on Sharing and aligning best practices in the EA				
Points discussed	Comments	Proposals	Decision of Directors	Outcome of the meeting on 8/12/2020
(1) Structural teleworking	Although EAs are following the EC regulation, some internal practices are different. It is therefore important to also align the practices.	To align to the Commission rules concerning number of days (max. 2.5 days/week) and eligible staff categories (e.g. secretaries are eligible, but not mail clerks)	Agreement Align with EC	No further comments made during the meeting
(2)Teleworking from abroad <i>(this was previously under Part 2.3-to be further discussed)</i>	Although EAs are following the EC regulation, some internal practices are different. It is therefore important to align in the practices also.	Collect info on approach in each Agency + come to a common approach with DG HR.	Agreement Alignment with Commission approach	No further comments made during the meeting
(3)Titles and Job Descriptions	The catalogue of the Commission is used for the standard titles. It is in the	To harmonise the titles and	Agreement	No further comments made during the meeting

	interest of all to align, mainly for the IAJM. There are also some urgencies to align asap as transfer of staff from an EA to another one within transfer of the programmes. CSC suggested to include the JD/responsibilities so they are also aligned.	JD/responsibilities for the key profiles. To be linked with the competency framework.	Commitment to harmonise. To be implemented in two phases: - for staff impacted by the new mandates, the exercise is starting naturally with the transfers between EAs - for others, it will be done at a later stage.	
(4) Language courses organised by the Commission	Most of the EAs follow the same approach for granting access to the language courses.	To align with the Commission's practice – approval of the request at the HoU level. Access would be granted to all languages. The general difference between training followed in the interest of the service, and training followed by personal interest should be kept.	Agreement To align fully with EC practice	No further comments made during the meeting
(5) Policy on sensitive functions		A revision of the policy according to new guidelines of July 2020 will be done by the EA HR.	Agreement. All EAs would be applying guidelines equally with a common understanding of the principles of what a sensitive function is.	No further comments made during the meeting

WG on Career development and career prospects				
Points discussed	Comments	Proposals	Decision of Directors	Outcome of the meeting on 8/12/2020
(6) Applying Art.13 GIPs (CA staff to move to a higher grade)	REA has run a specific selection applying Article 13 of GIPs for CAs, including the EPSO CAST as a step of the selection process. In this way, REA provided a reply to the need to reconcile justified service needs and legitimate staff expectations for moving to a higher function group.	Decision has to be taken regarding the use of this article in the EAs, implying the agreement on the model for this kind of selection. DG HR to provide guidance.	Agreement to use it <u>as an optional tool</u> . Its use should not be compulsory but it can be an option to address specific needs on case-by-case basis by each individual Agency.	<p>Comments made during the meeting:</p> <p>- By EAs: REA & CHAFEA doing a pilot, art. 13 to be used in exceptional cases for certain function groups, has to be agreed with HR and compliant with GIPs. REA asked all applicants to pass the EPSO CAST test.</p> <p>In general, Directors agreed it should be applied in the exceptional cases only.</p> <p>- By Trade Unions: Scope of art.13 of GIPs is not that strict, it could be envisaged to discuss with DG HR to analyse its interpretation</p>
(7)	Current practice of EAs is already to	EAs practice temporary loans of staff between	Agreement	No further comments made during the meeting

<p>Reshuffle/redistribute tasks</p>	<p>reshuffle/redistribute tasks if needed, and for the colleagues concerned this is taken up in the personal objectives and the appraisal report.</p>	<p>entities, but shared resources are scarce, and this is also why EAs have to recourse to interimaire. Reflection on an alternative way of pooling expertise for ad-hoc needs in different parts of an agency. (“floater pool” based on an invitation of express of interest).</p>		
<p>(8) Allowing staff to carry out tasks in the replacement of a colleague</p>	<p>Agreement that EAs can work together to implement a more systematic approach allowing staff to carry out tasks during the replacement of a colleague, as a way to learn and get the experience; and (notably via Art. 13 procedure) get eligible once posts are published. In such a concept, job shadowing should be included and should become a standard HR offer that</p>	<p>Possibility to make a call for expression of interest whenever a post become vacant for long-term absence and to use the experience the staff member got when replacing, for accessing a post of a higher grade.</p>	<p>Agreement However, call for expression of interest should not be systematic as it is not always an appropriate tool and other instruments at the disposal of the AHCC can better serve the purpose.</p>	<p>Comments made during the meeting:</p> <ul style="list-style-type: none"> - By EAs: one should be conscious that the ‘giving unit’ has one staff member less, who then again should be replaced - INEA: This should be reviewed on a case-by-case basis.

	everyone will do during their career.			
(9) Too much emphasis is put on training current managers	In order to avoid that too much emphasis is put on training current managers, other staff can also attend courses for leadership skills to enhance their competences and careers.	EAs to ask that EUSA and EC (via EU Learn) allow all EA staff with team management responsibility (call coordinators/team leaders upwards) to attend this type of training. Communicate this to EA staff.	Agreement. Commitment to better communicate on the existing possibilities for staff and to exchange best practices amongst EAs.	No further comments made during the meeting

WG on Internal mobility				
Points discussed	Comments	Proposals	Decision of Directors	Outcome of the meeting on 8/12/2020
(10) Joint selections for generic profiles (for CAs)		To have a common approach on the selection procedures in order to recruit in any EA. Create a repository of existing reserve lists where all EAs can recruit.	Agreement	No further comments made during the meeting
(11) Mobility between the EA and the Commission (temporary assignment or secondments)	Temporary assignment of TA/CAs to the Commission for even a limited period of time, should be considered. The parent DGs are interested in getting someone who already has an experience from the agency in order to avoid to train another person. This is already used between the External Service and the Commission.	Secondment of TA/CAs to the Commission possible (with compensation) – the “compensation” to be precised.	Principle agreement -issue of compensation to be tackled with EC in the context of shrinking resources for EAs.	No further comments made during the meeting
(12) Access to the		The option of extending the JPP to	Principle agreement to continue raising the issue with DG HR.	No further comments made

Junior Professional Program (JPP) and Internal Competitions of the Commission		the agencies is on the table (HR.B.4). Another way of facilitating career progression could be to create a new mechanism allowing agency staff to move temporarily to the EC, making them also eligible for participating in EC internal competitions during this period.		during the meeting
(13) More transparency in the publication of job vacancies	The transparency concerning the moves of staff between executive agencies: horizontal posts, calls REA/EASME, how? Whom?	All agencies to make better use of Inter-Agency Job Market platform.	Agreement	No further comments made during the meeting

2.2. Proposals agreed on and to be brought to DG HR

List of proposals for discussion with DG HR				
Points discussed	Comments	Proposals	Decision of Directors	Outcome of the meeting on

				8/12/2020
(14) Sharing of CA reserve lists between EA	Each agency makes its own selections and has its own reserve lists. These reserve lists could be shared among all executive agencies.	Existing lists should be prolonged. To ask DG HR to revise their opinion on sharing the current CA lists.	Agreement	No further comments made during the meeting
(15) Lifting legal negative consequences of mobility	As used between the External Service and the Commission, facilitate all kind of mobility (internal, inter executive agencies or inter institutional) without losing existing benefits (pension rights).	Monitoring of Court Cases	Agreement	No further comments made during the meeting
(16) CCP	There is a recent legal opinion provided by DG HR in 2018 according to which, time/service to be taken into consideration should be limited to the institution/agency of the current employment. Additionally, an agent could benefit from several periods of	EASME has checked with DG HR for clarifications but they did not support such practice. TU will raise it in their discussions directly with DG HR.	Agreement	No further comments made during the meeting

	unpaid leave, if he/she changes institution ¹ .			
(17) Reclassification	6-10 years of waiting is a major source of frustration and demotivation for CAs; other middle values (like 3-5 years for other grades) to be applied. For CAs, this could be changed by modifying the GIPs.	Trade Unions will support the EAs by addressing this with the EC, in view of changing the “fourchettes”.	Agreement	No further comments made during the meeting

2.3. Proposals for further discussion

WG on Sharing and aligning best practices in the EA				
Points discussed	Comments	Proposals	Decision of Directors	Outcome of the meeting on 8/12/2020
(18) Career prospects	All EAs are aligned and follow the GIPs.	To discuss a common approach concerning the	Agreement 1+1 should continue to apply.	Comment received at the meeting:

¹ Opinion of DG HR :

« Un agent (contractuel ou temporaire, sauf AT 2f) en CDI) peut bénéficier de plusieurs périodes de douze mois de congé sans solde s'il change d'institutions/agences.

Effectivement:

- au terme de l'article 17, troisième alinéa, RAA, la durée du congé sans rémunération est déterminée par l'AHCC (nécessairement liée à une institution/agence) ;
- la limitation de la durée totale d'un congé sans rémunération d'un agent à 12 mois "sur l'ensemble de sa carrière" ne figure pas dans le RAA, mais le cas échéant dans des décisions adoptées individuellement par les institutions/agences (voir par exemple l'article 11, sous b), de la décision de la Commission du 16 décembre 2013 relative aux mesures concernant le CCP des fonctionnaires et le congé sans rémunération des agents temporaires et agents contractuels de l'Union européenne, C(2013) 9054 final). Dès lors, il ne peut s'agir que de la carrière de l'agent au sein de l'institution/agence concernée. »

(CDI for CA)	However, REA, ERCEA and EACEA propose a different length duration for CA FGIV not getting the 3rd language on time (REA: 1+5+CDI; ERCEA: 1+2 or 1+3; EACEA on a case by case). Some Agencies never faced the case until now and ensure to put all the necessary arrangements in place to let the staff members getting the 3rd language as quickly as possible.	second contract duration on how to deal with specific cases when a staff member requires more time to achieve the necessary 3 rd language level.	For staff in risk of not getting the 3 rd language on time, a maximum duration of 1+3 can be proposed.	-REA: is giving 5 years to allow staff to pass 3 rd language (1+5). However, whenever a staff member obtains the certificate of 3 rd language, CDI is granted to him/her.
(19) Recruitment Policies	Although all EAs are fully aligned with the GIPs, some practices are sometimes different.	The EAs WG HR/recruitment will continue working on the harmonisation of the practices (incl. similar contract duration before CDI). For horizontal/common profiles joint procedures should be envisaged.	Agreement to further discuss	No further comments made during the meeting
(20) Reclassification	The executive Agencies apply the same GIP and follow the same rules. Calculations of quotas may vary slightly (with	Look at the current practices in calculation methodology and confirm the same calculation of quotas in all EAs.	Agreement to further discuss	No further comments made during the meeting

	the endorsement of DG HR).			
(21) Underperformance	<p>Current practices not aligned.</p> <p>A distinction needs to be made for a framework for such situations before and after obtaining the CDI.</p> <p>Best practice of the Commission of dealing with underperformance should be taken into account.</p> <p>Need for full involvement of staff representatives and fair procedure avoiding any unfounded decisions.</p> <p>A clear distinction needs to be made between underperformance concerns and the absence due to medical concerns.</p>	EAs HR will compare the current internal guidelines in order to draft a proposal to align the policy amongst the EAs.	Agreement to further discuss	<p>Comments made during the meeting:</p> <p>-SC: there is a need to develop common guidelines</p>
(22) The role of the ASTs	In some EAs, ASTs are being used in roles with responsibilities similar to ADs, without the same career prospects.	EAs HR will collect the statistics on AST2f and AST2a and role – a comparison table would be needed – before further	Agreement to further discuss	<p>Comments made during the meeting:</p> <p>-By SC: staff in different grades should not be performing the same job.</p>

		discussion on alignment via internal/external recruitment procedures or certification process (similar to the Commission) can be held.		
(23) Time and resources for SC and CSC	It was agreed amongst the Directors to give 1 day/month to the Chair of the LSC to be used for SC work. However, according to the CSC and Unions, 1 day is not enough and such time allocation should also be made available to the members of the EASC.	The CSC and Unions will draft a proposal/note for a future discussion on this topic.	Directors will examine the proposal when available	Comments made during the meeting: The CSC is working on a proposal which will be presented to the Directors in due time.
(24) Bike Contribution <i>(under points A in the initial note)</i>	The EAs are not aligned. EASME, ERCEA and REA have it. Others are waiting for a Commission to launch such programme as well. The budget is not huge but such initiative has a positive impact on staff.	To launch such programme in all EAs in alignment with current practices in some EAs.	Further discussion needed The topic could be raised with DG HR to call for a corporate approach on the matter.	Comments made during the meeting: - By CSC: this measure has a limited financial impact (around 10.000€ / EASME) - By REA: the agency is ready to roll out a pilot

WG on Career development and prospects

Points discussed	Comments	Proposals	Decision of Directors	Outcome of the meeting on 8/12/2020
(25) CA staff to move to a higher grade	Having passed an EPSO test is considered a necessary prerequisite, both to be compliant with the rules and to be clear when communicating to staff about their individual career prospects;	Staff is encouraged to update their records in EPSO Portal. Career Guidance officers network among EAs will provide support.	Agreement to further discuss	No further comments made during the meeting
(26) For CA staff to become TA	The successful examples of external TA competitions organised by EAs, and to which CA staff can apply, should be continued.	EAs should regularly launch this type of selections, for different profiles, considering that reserve lists can be used also by the other agencies. These selections have to be transparent and equal.	Agreement to further discuss	No further comments made during the meeting
(27) Common selections between EAs (for TAs)	They should increasingly be organised, based on successful pilot projects in 2019/20, as EAs often have similar profile needs.	Coordination mechanism to implement – already frequent consultation.	Agreement to further discuss	No further comments made during the meeting

<p>(28) The inter-institutional sharing of TA reserve lists <i>(under points A in the initial note)</i></p>	<p>It should be increasingly practiced, based on comparable/aligned selection procedures and profiles.</p>	<p>The share of reserve lists for TA is possible and already effective. However, there is a need for common approach on entry grade, job titles and descriptions, and selection procedures. Existing lists should be prolonged.</p>	<p>Agreement to further discuss More discussion is needed on a common approach on entry grade, job titles and descriptions. Prolongation of existing lists to be assessed on a case-by-case basis.</p>	<p>Comments made during the meeting: -By SC: a long selection process was done for some TAs lists, prolongation of these lists would be necessary -By REA: some TAs lists have just been prolonged</p>
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3. New delegation to the agencies

3.1. Staffing numbers in the CBA, decreasing staff numbers for EASME and ERCEA

Representative from Staff Committees raised concerns about the result of the CBA, indicating decreasing resources for EASME and ERCEA. The decrease of resources could have an effect on the attractiveness of the EAs. They also point out that political decisions like the closure of CHAFEA and the changed delegation scenario leads to uncertainties among staff.

From the side of the Directors, it was emphasized that in total the resources for all EAs together will increase. The challenge lies in realising productivity gains so that more work can be done with the same or less people (this does not only concern the EAs, but is also applicable in the Commission). However, it was stressed that no one will lose their job.

3.2. TAs coming to EAs from the EC versus access to TA posts for EA staff

Representatives from Staff Committees and Trade Unions point out that the transfer of temporary agents (TAs) from the Commission to the EAs could create tensions among staff as the process of recruitment for TAs in the EAs is different than in the Commission. They would like to know the number of TAs that will be transferred and which agencies are concerned. For the credibility and fairness of the process, the Trade Unions suggest that TAs coming from the Commission undergo a fully-fledged recruitment procedure.

From the side of the Directors, it was confirmed that this case applies to the European Innovation Council & SMEs EA. The transfer of staff concerns mainly contract agents (CAs), but due to the specificity of the programme, a small number of programme managers (TAs) will also be transferred. However, it was also emphasized that it was advocated towards DG HR that a substantial share of TA positions would be reserved for people to be recruited by the EAs themselves.

For EIC, the staff to move to the agency is mainly constituted of CAs. RTD will advocate for substantial share of Head of Sector positions to be recruited among TAs from the EAs

3.3 Information letters sent to staff identified to move to another EA

Representatives from the Common Staff Committee state that the staff of the EAs have a contract with the agency and not with a programme, they therefore are wondering on what legal basis staff can be moved 'en bloc' with their programme, instead of been given the choice to stay within their current agency or to move with their programme

The Trade Unions regret that the tone of the information letters sent to staff was cold and confronting.

The Directors highlighted that the EAs used the templates that were drafted by DG HR.