



Brussels, 24 March 2023

Note for the attention of the Directors of Executive Agencies and the Directors General of the supervising Directorates-General

Subject: WHO is finally responsible for the move of the Executive Agencies to the North Light building?

We would like to thank you once again for the full support you initially showed also by your joint note of 7 July 2022 for the positions of your staff and their representatives, expressed, among other things, through **a first petition** which received very broad support, **by firmly opposing the move** to the North Light building in the northern quarter.

Subsequently, it was with surprise and sincere disappointment that we took note of your change of attitude and, lastly, of your silence on the occasion of the meeting with Pascal Smet where, together with the Director of the OIB, who chaired the meeting, you did not consider it appropriate to react to the insults that Pascal Smet addressed to the staff, nor to reiterate all the undeniable criticisms concerning the **risks to the safety-security of our colleagues in this quarter**.

The absence of any kind of reaction from you is all the more surprising given that the absolutely intolerable nature of Pascal Smet's insults has been confirmed by the outraged reaction of the staff of all institutions, by the very firm reaction of the President of the European Council, by countless press articles and by the fact that staff asked the **Common Front to launch a second petition**, which has already garnered widespread support, asking then Commissioner Hahn to defend our honourability and reputation.

Not to mention the frankly grotesque attitude of whom considered a good idea to disguise himself as an "apprentice real estate agent", asking what he could do to contribute to the success of the Belgian authorities' urban planning project concerning the redevelopment of the northern district... in 10 years' time...

From our side, we have never changed our attitude, we continued to firmly stand by the staff of the Executive Agencies, we have always confirmed our criticism concerning this move and constantly asked for a real social dialogue on this issue.

In this respect, we have denounced the fact that, once again, in its relations with staff representation, the **OIB has always limited itself to a purely unidirectional communication**, exclusively and systematically based on the **simple transmission of information "from a sender to a receiver"**, **excluding even the slightest consideration of any feedback**.

All this, without forgetting that the refusal of any real dialogue is systematically backed up by the reminders pretending that the Director of this Office has the unfailing support of the Commissioner and his cabinet and that there is absolutely no point in complaining about his attitudes and OIB's decisions.

In any case, the arguments put forward in order to justify your "resignation" concerning this move, have always been so far based on the fact that this was a building procedure based on Article 266.3 of the Financial Regulations for which the Commission would be the sole responsible, while the Executive Agencies, the supervising Directorates-General would have no responsibility/possibility of intervention in this respect, and they would only be called to simply sign SLAs.

It must be reminded that the choice of legal basis is not a purely procedural and legal matter which staff representation should not be concerned with.

On the contrary, this is a crucial aspect because it has a very important impact also on the personal responsibilities of the colleagues involved, and we are therefore entitled to expect the greatest possible clarity in this respect, also in order to respond to the concerns and questions submitted to us.

Therefore, not being convinced by the explanations provided, on 10 February the Common Front sent an open letter to Commissioner Hahn **denouncing the unbearable darkness of the move to the North Light building** and asking, among other things, a series of questions concerning this building procedure.

In particular, it was requested to confirm **that the budgetary authority had been informed of this project “as early as possible and in any case before any prospection of the local market”**, as imposed by the legal basis mentioned at that time by OIB and which is a compulsory step in order to avoid any reputation risk for the Commission.

In response to the further questions raised by one Trade Union, both during his participation in the plenary meeting of the Brussels Local Staff Committee and in his note for the file on 10 March, **the Director of the OIB has now confirmed that the budgetary authority had not been informed of this project, since the applicable legal basis would no longer be - as initially foreseen- Article 266.3¹ of the Financial Regulation, but rather Article 50a2² of the standard Financial Regulation for the executive agencies, that does not require *per se* any prior information before prospecting the market.**

In this respect, in his note for the file the Director of the OIB - rightly and for once with appreciable clarity – has confirmed that this change of the legal basis **has a substantial consequence on the responsibility** of the concerned actors:

“If ever the legal basis invoked were to be Article 50a2 of the Financial Regulation applicable to the Agencies, the management committees and therefore the supervising Directorates-General and the Directors of the Agencies would become fully responsible for the building procedure submitted to the Budgetary Authority and therefore for the choice of the building, instead of simply signing a SLA with the Commission”.

On the one hand, this is a very crucial confirmation of YOUR full responsibility for the choice of NL building. And for the continuation of the procedure, it is now necessary to have the agreement of the management committees of the EA and therefore YOUR OWN agreement as supervising Directorates-General and Directors of the EAs.

Indeed, it is now impossible to claim any longer that the OIB alone is responsible for this choice, and that both the supervisory Directorates-General and the Directors of the Agencies cannot derogate from it, as they are simply called upon to sign the SLAs once the building procedure has been awarded.

Thus, we would like to invite you to make these aspects clear in any future communication to your staff regarding this move.

You will agree with us that ensuring clarity at all times and in all circumstances as to **“who is responsible for what”** is an indispensable postulate for the respect of accountability, which is a

¹ « For any building project likely to have significant financial implications for the budget, the Union institution concerned shall inform the European Parliament and the Council as early as possible, and in any case before any prospecting of the local market takes place, in the case of building contracts, or before invitations to tender are issued, in the case of building works, about the building surface area required and the provisional planning. »

² « The Management Board shall, as soon as possible, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of the Agency's budget, in particular any projects relating to property such as the rental or purchase of buildings. It shall inform the Commission thereof. »

basic principle governing the functioning of any public administration, as well as an indispensable prerequisite for the establishment of a genuine "**culture of trust**" advocated by Commissioner Hahn.

On the other hand, taking into consideration all the criticisms that you very correctly initially expressed concerning the move to NL, as it has been rightly pointed out, there is nothing that prevents you anymore from considering alternative solutions by looking yourself "for a cheaper and better located building", always taking into account also the energy performance.

In this, ensuring not only the neutrality of this project for Heading 7 but also **the best possible use of the budget allocated to the EAs by carrying out a finally accurate "cost-benefit analysis"** taking into account **all the costs arising from this move**, starting with those required by the obligation to refurbish currently occupied offices.

To carry out this finally accurate "cost-benefit analysis", is not only a personal responsibility of each authorising officer but is also an essential concern for the staff representation in order **to avoid that the staff policy and the management of the careers of our colleagues of EAs, are put into question because of the budget restrictions.**

Given the extent of the intolerable confusion surrounding this procedure and the seriousness of our colleagues' concerns, in the light of the MoU governing relations between staff representation and the EAs, we formally request the Directors of the Executive Agencies to convene a meeting as a matter of urgency to discuss all aspects of this issue.

More than ever, there is an urgent need to confirm with clear actions and decisions, and not with empty slogans, that executive Agencies staff are not a second-class staff.

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