

Adjustment of salaries: Should you submit a complaint?

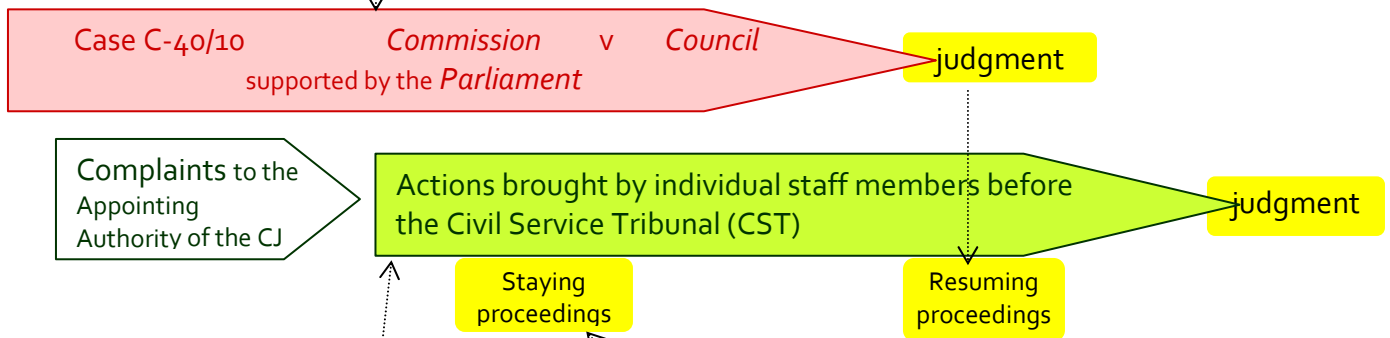
Interest for late payment is the only point at stake

As we announced in our e-mail 'to everyone' of 8 March 2010, EPSU arranged the filing of 3 individual complaints under Article 90(2) of the Staff Regulations.

These complaints are merely a necessary prerequisite to the bringing of an action before the CST.

This legal step was in fact taken as a **precautionary measure** against the –unlikely– event that the Commission withdraws its action in case C-40/10 *Commission v Council*.

Let's not lose sight of the fact that **the main challenge** in this legal and political conflict lies in **defending the rule of law**: from this point of view, our action is **complementary** to that of the Commission and the Parliament which supports it.



Following the filing of our actions, the CST will **stay the proceedings** pending the Court of Justice's **judgment** in case C-40/10.

In the event the Commission withdraws its action before the Court of Justice, the CST should proceed to examine the legality of the challenged Council Regulation.

The **precautionary** function is fully assured by the complaints which we have submitted and which will be followed by an action before the CST.

Once the Court of Justice has delivered its **judgment**, it will be left to the CST to determine any outstanding issues.

Such an issue will probably be, should the Court of Justice not have resolved it, the award of **interest for late payment**.

The importance of this issue is left to the decision of each individual. If you consider it important enough, EPSU offers you its own draft complaint.

The stakes for each individual to submit a complaint, then an action, are limited in fact to the award of interest for late payment.

There are no costs for the complaint. But there will be costs for the **legal action to be brought before the CST**.

The deadline for submitting a complaint is 6 April 2010.

Copy your complaint to EPSU, which will coordinate the next legal steps and cover the legal costs of its members.

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