



**Union
Syndicale
Fédérale**

des Services publics européens et internationaux

Avenue des Gaulois, 36 – 1040 Brussels – Belgium

☎ +32.(2)733.98.00 – 📠 +32.(2)733.05.33

✉ usf@unionsyndicale.eu – 🌐 www.unionsyndicale.eu

Brussels

Monday, 26 March 2018

**Open letter to Mr Tusk, President of the Council of EU,
Mr Tajani, President of the European Parliament,
Mr Juncker, President of the European Commission**

BREXIT is only 12 months away, what happens to UK Staff?

The withdrawal of the United Kingdom from the European Union is only 368 days away and time has come for the EU institutions to take some concrete steps towards reassuring staff holding solely UK nationality that the loss of their jobs will not become "*collateral damage*" of the process.

Many promises have been made so far, but nothing concrete has surfaced.

As you know, Article 49 of the Staff Regulations states that "***an official may be required to resign only where he ceases to fulfil the conditions laid down in Article 28 (a)***". One of these conditions is to be "***a national of one of the Member States of the Union, unless an exception is authorised by the appointing authority***"

Similar provisions are laid down in Article 47(b)(iii) of the Conditions of Employment of Other Servants (CEOS) (for Temporary and Contract Agents).

Union Syndicale believes that it would be utterly unfair to leave UK colleagues (not holding any other EU nationality at the time of Brexit) in a situation of total uncertainty. The current rules would leave their fate to the arbitrary decision of each Appointing Authority (EU Institutions and Bodies, EU Agencies).

Moreover, any such arbitrary application of Article 49 could deprive the institutions of the expertise of the colleagues concerned. It would also leave the institutions in a minefield of complexity: for example, what about colleagues whose applications for the nationality of another Member State were still under consideration on Brexit day?

Union Syndicale Service Public Européen – Bruxelles (BE) □ Union Syndicale Recherche – Ispra (IT) □ Union Syndicale Recherche – Karlsruhe (DE) □ Union Syndicale Recherche – Petten (NL) □ European Public Service Union Fusion – Bruxelles (BE) □ Union Syndicale Office Européen des Brevets – Berlin (DE) / Den Haag (NL) □ Syndicat des Agents du Conseil de l'Europe – Strasbourg (FR) □ Union Syndicale Eurocontrol France – Brétigny (FR) □ Union Syndicale Centre Européen pour le Développement de la Formation Professionnelle – Thessaloniki (EL) □ Union Syndicale European Foundation for the Improvement of Living and Working Conditions – Dublin (IE) □ Union Syndicale European Training Foundation – Torino (IT) □ Union Syndicale Institut Universitaire Européen – Firenze (IT) □ Union Syndicale European Agency for Safety & Health at Work – Bilbao (ES) □ International and Public Services Organisation – Frankfurt (DE) □ Union Syndicale Fédérale – Luxembourg (LU) □ European Public Service Union – Cour de Justice – Luxembourg (LU) □ Gewerkschaft des Deutsch-Französischen Jugendwerks – Paris (FR) / Berlin (DE) □ Union Syndicale Eurojust – Den Haag (NL) □ Union Syndicale Parlement Européen – Bruxelles (BE) / Luxembourg (LU) □ Union Syndicale Secrétariat ACP – Bruxelles (BE).

Amending the Staff Regulations to avoid uncertainty and subjective decisions is not a viable option because of the complexity and the duration of the process.

One way of achieving clarity and giving a politically binding orientation to all Institutions and Bodies (including Agencies) would be for the EU (represented by the Commission) to make a **unilateral declaration** at the moment of the signature of the "Withdrawal Agreement".

In this statement the EU should declare, as a general principle, that it does not intend to make use of art. 49 of SR and art. 47(b)(iii) of the CEOS to lay off any staff losing the required EU nationality because of the withdrawal of the United Kingdom.

Union Syndicale and UK colleagues would be grateful if, in close co-operation with other stakeholders on the EU side (especially the Appointing Authorities of all the EU institutions, bodies and agencies) you could grant this proposal the necessary, careful attention. We believe that it is in the interests of the institutions, and therefore of the Union, for the colleagues affected to be given clarification and reassurance sooner rather than later so that they can continue their duties without this sword of Damocles hanging over their heads.

Looking forward to receiving your reactions,

A handwritten signature in black ink, appearing to read 'Niels Bracke', with a stylized flourish at the end.

p/o

the President of USF

Niels BRACKE

Vice-President of USF