

Rules relating to legal assistance

These rules give effect to Article 6(4) of EPSU-CJ's Constitution:

Article 6(4) – **Members' rights and duties** :

"Members are entitled to a consultation with the Union's legal adviser in respect of any question relating to their position under the Staff Regulations and the CEOS and, subject to conditions laid down by rules, to legal assistance in relation to an administrative or court dispute."

The rules were approved by the ordinary general assembly on 25 February 2010.

LEGAL ASSISTANCE

The Union offers its members, whose subscriptions have been fully paid up to date, the possibility of legal assistance to deal with problems related to their position under the Staff Regulations and/or the CEOS.

Such legal assistance comprises:

- A. an **initial free consultation** with the Union's lawyer specialising in the law of the European Civil Service;
- B. in cases where the member's situation necessitates the immediate legal intervention of a lawyer (*e.g.* intervention before the hierarchy or Appointing Authority, complaint, action, assistance in a disciplinary procedure or procedure for incompetence, or in an administrative enquiry):
 - the benefit of charges agreed between the lawyer and the Union;
 - the possible coverage, pursuant to a decision of the Executive Committee, of all or part of the lawyer's fees and expenses.

Such legal assistance takes, in stages, the following form:

- A. On request to the Executive Committee, a free consultation with a lawyer.

At the member's request the Executive Committee shall, depending on the lawyer's advice, decide on financial support as follows:

Interest in the case	Result
— interest contrary to the Union's or the collective interest	action advised against – assistance refused

— interest compatible with the Union's or the collective interest	legal assistance granted (see under B below)
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B. A financial contribution by the Union *may* be granted in accordance with the following distinctions:

Interest in the case	Result
I — personal interest: the member's legitimate interest compatible with the Union's and the collective interest	0 – 25 %
II — shared interest, that is to say: — personal as defined above, <i>and</i> — collective, which exists, particularly, in cases of breach of important principles, and in cases where a successful outcome of the case may achieve a positive future change in administrative practice benefiting all persons in a similar situation. This broad bracket allows a fairer balancing between the "personal interest" aspect and that of 'the collective interest', as well as the degree of difficulty the member may encounter as regards his or her position under the Staff Regulations and/or the CEOS.	30 – 90 %
III — Union's interest: (a) the member is involved in a case because of their union activity; (b) the member has been encouraged to act at the Union's instigation in a test case or policy case; (c) by decision of the Executive Committee stating detailed reasons.	100 %

Important note: Save in exceptional circumstances, the request to the Executive Committee to cover expenses must be made *before* the envisaged action is commenced. No payment will be made by the Union without a prior decision of its Executive Committee covering the stage of the procedure (pre-litigation or litigation).

MINIMUM PERIOD OF MEMBERSHIP AND REDUCTION IN RELATION TO LENGTH OF MEMBERSHIP

If the case comes within I or II (see above)

No entitlement: Members who have been members of the Union for less than six months are not entitled to financial support from the Union.

Reduction: Members who have been members of the Union and fully paid their subscriptions for more than 6 months but less than a year are entitled to financial support from the Union; but in such cases the percentages of financial support shall be reduced by half.

A **derogation** from these rules may be granted in the case of newly recruited staff members (e.g. in cases involving appointment decisions or end of probationary period reports) or to take account of their exceptional circumstances.

REDUCTION IN RELATION TO BASIC SALARY OR PENSION

If the case comes within I or II (see above)

The percentages applicable under the above tables are reduced by the following coefficients:

- 0.75 for basic salaries corresponding to Grade AD 12, step 1 and above (or pensions of a corresponding amount);
- 0.50 for basic salaries corresponding to Grade AD 14, step 1 and above.

FIXING OF A CEILING

The Executive Committee *may*, at the same time as setting the percentage to be covered by the Union, fix a ceiling to the Union's financial support, taking account of its financial situation.
