



**Information meeting – New delegation of programmes to Executive Agencies
Brussels, 12 November 2020 16:00
(Video Conference)**

SUMMARY OF CONCLUSIONS

1. INTRODUCTION - M. MORICCA (DG HR)

Welcomes this new information meeting on the delegation of programmes to the EAs, with all staff representatives.

This information meeting is held now that we have a more stable picture and perspective before us, after several changes were recently decided.

The Administration is now able to present the new package to the staff representatives in order for them to provide their remarks.

2. INTERVENTIONS FROM THE ADMINISTRATION

A) MR WIMMER (SG)

- Thanks for the invitation.
- 2 important developments occurred over the past week:
 - o An agreement on the MFF was reached and now needs to obtain the approval of the different institutions. This agreement was a crucial step in the process of the delegation of the future programmes to EAs. This leads to significant reinforcement of programmes to be implemented by EAs. This agreement comes later than hoped for, but discussions were extremely difficult.
 - o On 11.11.2020 the College adopted the future portfolios of EAs. The current situation with Covid, and also recent political developments (President von der Leyen's State of the Union address and commitment to develop a Health Union) led to adjustments in the EAs' portfolios from what was envisaged in April. In particular, due to the importance of health issues, it has been proposed to create a new Health and Digital agency. Another agency will be dedicated to innovation and SMEs, while the decision of April to create an agency dedicated to climate (in line with the Green Deal) has been confirmed.
- Thanks for all the good work done and involvement of EAs, parent DGs and central services to prepare the transition.

- Individual situations will be looked at and thorough support will continue to be provided.
- The late agreement on MFF as well as the still-to-come adoption by the co-legislator of the series of legal acts of all the future EU programmes to be delegated have an impact on the exact timing of the delegation. Reflections are currently on-going to organise the smoothest transition.
- With regard to CHAFEA, individual situations are being looked at and accompanied in an appropriate manner. The recent political developments and the decision to create a new agency dedicated to Health and Digital in Brussels further strengthen the case for the transfer of CHAFEA's tasks to Brussels-based agencies since setting up the new Health and Digital agency in Luxembourg would have entailed significantly greater transfers of staff from Brussels to Luxembourg than the currently envisaged transfer of CHAFEA tasks to Brussels.
- The recent communication adopted by the College, like the one of April, is a vote of confidence in EA. Indeed the exercise confirmed the quality of the work and the good performance of EA. This new delegation is good news for EA in terms of structure and possibility to align better with the priorities of the Commission. This provided stability for the next 7 years.

B) MR GALAND (BUDG)

- Building on their success during the current financial framework, DGs decided to make greater use of executive agencies for the implementation of the new generation of EU programmes. Some programmes are direct successors of existing EU programmes, others are completely new, which will increase the activity of EA. The portfolios of the executive agencies have been designed to ensure a strong thematic focus, aligned on the Commission priorities and more synergies.
- Cost-Benefit Analysis (CBA) started 2 years ago. Stakeholders were consulted, including DGs, Directors and financial units of EA. Objective: to assess the advantages and disadvantages of delegation and to optimise programme allocation. The CBA supports the proposed decision to extend the lifetime of 5 executive agencies, to transfer the activities of CHAFEA and to create a new Health and Digital agency. The CBA has looked at an in-house scenario, a status-quo scenario and an optimised delegation scenario. In-house repatriation did not provide for the right allocation of work and was not financially good. With the next MFF, tasks are better aligned with the programmes' structure. Each Horizon Europe's cluster will be grouped in a single Agency.
- Following the scenario previously discussed in April with staff representatives, the current context evolved, with a prolonged health crisis. The health issue became very important, hence an adjusted scenario to give more visibility and efficiency to the health programme. The new EU4Health programme is 10 times larger than the current programme. It was also important to ensure synergies with health research. Therefore, the "health cluster" is now part of a new Agency. Implementation of EU4Health grouped with health research in new dedicated health and digital agency. This grouping of health related activities could be the basis for the EU BARDA and gives visibility to the Health activities. The grouping of health & digital related activities imply other limited changes:

(i) Grouping innovation activities (EIC and Interregional Innovation projects) with strands of SMP ensuring thematic focus on support to innovation and SMEs and contributing to economic recovery. Logically this would be built on EASME; (ii) Shift of European Maritime and Fisheries Fund to the Climate, Environment & Infrastructure agency.

- Supervision is important. More programmes mean more parents DGs and agencies. Need to ensure efficiency and no duplication of supervisory parent DGs. Feedback to policy will be better organised and deserves staff reinforcement. With regard to knowledge management and stability, staff should follow the programmes. Legally the new agency will be the legal successor of the previous one: rights will be maintained.

C) Ms SILVA MENDES (HR)

- Significant work has been done in supporting agencies and parent DGs and it is to be continued.
- With regard to numbers, 590-660 staff potentially concerned by delegation of programmes to the executive agencies: 430 in the agencies, 160-230 in the Commission.
- Key information: staff will follow their tasks transferred to another agency. Concerns operational staff as well as some horizontal staff. With regard to the latter, the number of movement will be limited and is to ensure that newly created agency has knowledgeable staff to quickly kick off its activities.
- In Agencies, there will be automatic transfer through the decision establishing agencies (no publication/selection). In the Commission, secondment of officials and new contracts for CA and TA in the agencies (no publication/selection).
- With regard to transfer of Agencies' staff: For TA2f and CA, current contracts will be maintained; rights are kept (same duration, same function group/grade/step, no new probationary period, same pension rights). For Commission officials already seconded to an agency: new secondment; all rights kept.
- With regard to transfer of Commission staff: Officials will be transferred on a voluntary basis. Secondments in the interests of the service to the Agency. TA2a contracts in the agency : same situation as in the Commission (function group, grade). For TA and CA: New contract CA3a, or TA2f: new probationary period, new duration, possible new classification in the grade for CA. Also, as for their career perspective: possibility for contracts with indefinite duration, reclassification and mobility.
- CHAFEA is the agency the most affected and the staff deserve a closer attention. There have been close contacts with the administration of CHAFEA. All staff encouraged to join their receiving agencies in Brussels: all rights are kept, transitional period of 6 months to plan for the move (for eg. to await the end of the school year), dedicated task force within HR to help with the move (information from the Welcome office, dedicated entry point within PMO, assistance with creches and schools, assistance to CHAFEA HR unit). Specific support is provided to the staff unable to move: personalised career guidance services, gathering of CVs and profiles for possible matching with opportunities in Commission services, formal invitation to other institutions and EU bodies to prioritise

recruitment. Such accompanying means will be put into place after the College final decision and subsequent final positioning of the colleagues concerned.

3. FLOOR TO OSP/CDP

CCP – Mr. Iacono

- The new MFF gives a positive message and is a sign of trust in the quality of EA staff's work from Member states.
- Feeling that there is an externalisation of the programmes from the Commission to the EA.
- Wonders about the new ERA authority: how this will be negotiated, what about the interactions with the new proposed Health and Digital Agency and with ECDC/EMA?
- The CCP works well together with the trade unions and staff committees of the EA.
- Request has been made to set-up an accompanying committee for CHAFEA staff involving staff representatives in order to address individual situations.
- Discussions needed to address the possibility of recruitment of CHAFEA staff members that are not willing to move to Brussels in other European institutions (such as EPPO) or DGs in Luxembourg.
- Does not see reasonable to keep January as the closing date for CHAFEA. Postponement would entail a better support.

Common Staff Committee of Agencies – Mr. Van Bockland

- Agrees with the previous comments.
- Recalls the importance to describe what are the agencies about. They are used to work with deadlines, they support policy making, they are the “face” of the programmes for the customers. They are used to a fast-changing environment, to be both qualitative and efficient, as well as showing a culture of service.
- The main concern is the situation of staff. They have been delivering with the same quality of work throughout the current COVID 19 circumstances and with extra-work pressure; and on top of that they are facing the restructuration which will entail huge amount of work in the beginning. Concerns on the mental overload and finally the mental wellbeing of staff.
- Feeling of CHAFEA staff to be considered as a piece of furniture that EC can move from a place to other site without consideration for human situation. Lack of consideration for staff.
- Overall need of an increased and ASAP support to CHAFEA staff not willing to move in Brussels by DG HR - without waiting for the final decision.
- Employment contracts are with the Agency, not the programmes. What is the legal basis for the “en bloc” move of contracts to follow the programmes and not the entity?

SC EASME – Ms Le Boulter

- EASME is one of the most affected agency. New political changes were not foreseen by the staff and this has a huge impact on them, especially during the current teleworking circumstances.
- Overall need for stronger help from DG HR.

SC CHAFEA – Mr Meusel

- Welcome the new structure for EA and in particular the Public Health importance.
- Need for further explanation on the logic of closing CHAFEA, whereas the same tasks would be performed under the newly created agency. Reorganisation could have taken place, with less negative effect on business continuity. Risk of a loss of skills and experience for the programmes transferred from CHAFEA if the number of staff not moving in Brussels is high.
- Need for further support to the staff unable to relocate before the final decision is taken.

SC EACEA – Ms Dorcheva

- Welcome the stability of new delegation of programmes and the clear mandates given to the EA and underline the need to publish the call of interest without delay

SC ERCEA – Mr Torrisi

- Welcome the organisation of regular information meeting with all staff representatives.
- Clarifications are requested with regard to the timeline of transfers of programmes.
- Rights of staff representation in Agencies. Quid of exemptions? Has DG HR foreseen in the new staffing of Executive Agency posts/credits for the exempted staff representatives?

SC REA – Ms Minkova / Mr Gutierrez-Dominguez

- What will be the ratio TA/seconded officials? Wondering how transfers of TA from the Commission to agencies are compatible with Staff regulations / GIPs.
- There are reserve lists in Executive agencies. Quid of the career perspective?
- Worries for tensions and disappointments. Need to explain the restrictions to staff.
- Recruitment and contracts of indefinite durations without selection procedures are questioned with regard to the Staff regulations / GIPs.

SC INEA – Mr Boualam

- INEA is not the most impacted agency. Need to have better timeline of the process and to have a further buffer zone to begin with the transfer.
- Welcomes that progress will be made in rethinking the careers of CA in EA in the framework of new HR strategy.

LSC Luxembourg – Mr Kyramarios

- Not only the closure of CHAFEA is a disaster for the staff, and a loss of expertise as more than 50% are not willing to move, this is also an issue for the attractiveness of the Luxembourg site as headquarters.
- Underline that in the CBA the cost of living in Luxembourg was taken into account in the decision of closure for CHAFEA
- Regrets that the request for an accompanying committee was not followed.

Alliance – Mr Sebastiani

- Recalls that during the last meeting convened by DG HR on the delegation of new tasks to AEs, he denounced that the decision to close the CHAFEA agency in the midst of the COVID pandemic sent a disastrous political message according to which the Commission did not put the health of European citizens at the heart of its action. What is more, it was absolutely unacceptable that this decision had been adopted in the absence of any social dialogue and prior information from the staff concerned. Since then, if the reservations concerning the unacceptable nature of the closure of CHAFEA remain unchanged, it is encouraging to note that during her state of the Union speech, the President announced "A health package" which has just been adopted by the Commission. This "health package" is made up of a set of proposals aimed at strengthening the EU's health security framework and strengthening the crisis preparedness and response role of the EU agencies to be achieved: European Center for Disease Prevention and Control (ECDC) and the European Medicines Agency (EMA). In this context, the establishment of the new Health and Digital executive agency is undoubtedly another step in the right direction that we must welcome.
- In announcing these measures, it is particularly appreciable that the President has confirmed that the Commission must learn from its failings. It would be desirable for DG HR to show the same courage in the management of files relating to personnel policy for which it is responsible when all too often it persists in defending the indefensible and in denying problems which are nevertheless indisputable or in continuing to confirm its attachment to the establishment of a genuine social dialogue, whereas this is clearly not the case in this case.
- In this regard, we should be delighted with the climate of profitable collaboration that it was possible to establish within the three working groups organized with the HR managers of the EAs, which made it possible to establish an initial inventory of the aspects to be discuss and the measures to be adopted to ensure the improvements in the personnel policy of the EAs which are necessary in the new context. Of course, this is a first step, but it is going in the right direction. The staff representative naturally remains very vigilant regarding the follow-up to these proposals by the Directors of the EAs and by the DG HR.
- Admittedly, the change in relation to the initial distribution of missions among EAs which had been presented to the staff representation and which the relevant Agencies and DGs had already been implementing for weeks, does not seem to have been perfectly

coordinated with the services which gave the impression of having been taken by surprise by the announcement of the President.

- Equally surprised were the EA staff. The political framework having been definitively clarified, it is now important to ensure the greatest clarity and transparency in its implementation regarding the colleagues who will be affected by these changes.
- In this regard, the delegation of new tasks to the agencies having been delayed by several months compared to the date of January 1, 2021 initially announced, it is absolutely necessary to prevent CA colleagues who would have been eligible but whose contract would expire before the new pivot date, are now excluded from the benefit of the transfer without new selection provided for by article 23 of the decision which is now submitted to us.

Reply:

Only staff working in the Commission on the day of transfer may move to an agency to follow the programme. In case there is no employment contract between the Commission and the staff member concerned at the date of transfer, there is no the necessary link allowing the mobility to an agency taking over the programme.

The six-month' interruption between CA's contract does not apply since the entry into force of the current GIP in 2017. Indeed, the current GIP provide for the continuity in absence of interruption between the contracts, GIP refer to the contract "immediately after" the precedent contract.

CA whose contract has ended before the transfer of programmes may apply for CA position in the agency of destination.

- It is also necessary to clearly set a pivotal date for the taking into account of the assignment of tasks entrusted to CA colleagues in the DGs, opening up the possibility of accessing the benefit of transfer to an EA without the obligation of a new selection procedure. Indeed, we must carefully avoid "last minute mobilities" organized in order to obtain this benefit.

Reply:

Staff whose tasks are transferred to an agency and who exercises these tasks on the day of the transfer are concerned.

- Regarding the modernization of the HR policy for EA personnel announced in the slides that DG HR presented, it cannot remain an empty slogan and must be based on respect for colleagues and fairness and the greatest transparency decisions adopted.
- However, these principles are not fully respected in the operative part of the decision which is the subject of this meeting, which therefore needs to be amended on the following aspects:
 - 1) It is advisable to strengthen the 19th recital of the decision since synergies, pooling of resources, reinforced collaborations among EAs are not simply desirable but are necessary to try to cope with the savings requested, to ensure a more efficient

management of resources, breaking down silos and avoiding the sometimes profound differences in the personnel policies of EAs. And the experience is there to demonstrate that such synergies and pooling of resources and experiences are never spontaneous and therefore it is not enough to just wish for them and it takes a clear political mandate for this to happen.

Reply

DG HR – as coordinator for S&E and Domain Leaders in the Commission – have been in contact with the Executive Agencies in 2019 and early 2020, solicited by a request by the former Director of EASME, Julien Guerrier, to gather advice on a potential S&E initiative for the EAs. DG HR and Domain Leaders provided a common response, advising Mr Guerrier on how to carry out the exercise best based on their experience in the Commission.

In line of principle, DG HR agrees with the statement made by Mr Sebastiani: a successful S&E initiative need a strong mandate and sponsorship from the top of the organisation. DG HR is keen to offer their advice when new agencies are up and running to pursue an S&E initiative.

2) Under the 23rd recital of the project decision establishing the new agencies and under Article 13, 3rd paragraph, the opportunity should be taken to allow mobility without loss of acquired rights not only for colleagues affected by mobility in block but also in the event of voluntary mobility, as staff representation has demanded for a long time. Indeed, if the statutory legal constraints which had been invoked and presented as being insurmountable by DG HR during the negotiation of GIPs on AC staff could be overcome in the event of mobility in block, it must then be possible to do so also for any other form of mobility.

Reply

As explained above, the mobility in block follows the specific framework of the legal succession between agencies concerned, which allows for the full continuity of contractual rights. This cannot be applied similarly to voluntary mobility, which implies the signature of a new contract and the new entry into service.

3) Article 18, 4th paragraph, of the decision providing for the automatic termination of the contracts of CA colleagues who do not wish to accept the transfer to another EA is totally unacceptable. This absolutely brutal provision is seen by EA staff as a simple adjustment variable and must absolutely be corrected. In such cases, all measures must be put in place to find a solution satisfactory to the colleagues concerned who can put forward valid justifications which the administration must analyze. The termination of the contract being absolutely the ultima ratio can be considered only after excluding any other solution.

Reply:

Draft Commission decision establishing executive agencies provides for a legal framework of the transfer of programmes and staff. As a legal act, it refers to the

main points governing the exercise, without constituting a full HR guidelines accompanying the delegation.

In practice, staff who does not wish to move to the agency which takes over the programme on which he/she works may find or be offered another tasks remaining in his/her agency and is reassigned to another job before the transfer, in which case he/she is not concerned by draft Commission decision. In case, there is no other job, or a staff member is not successful in filling another job and he/she refuses to follow the tasks transferred to another agency while keeping all contractual rights, the Agency has no other choice than to terminate the employment contract. Indeed, once tasks are transferred, the Agency does not have the budget to pay the employment contract.

4) As already mentioned, article 20, 3rd paragraph, concerning the transfer of CA colleagues to EAs without the obligation to undergo a new selection procedure must be amended in order to take into account the situation of CA colleagues whose contract has expired and who would no longer be eligible solely because of the delay compared to the date of January 1, 2021 initially planned, in the implementation of the delegation of new tasks to EAs or the need to create a new one.

Reply:

Only staff working in the Commission on the day of transfer may move to an agency to follow the programme. In case there is no employment contract between the Commission and the staff member concerned at the date of transfer, there is no the necessary link allowing the mobility to an agency taking over the programme.

The six-month' interruption between CA's contract does not apply since the entry into force of the current GIP in 2017. Indeed, the current GIP provide for the continuity in absence of interruption between the contracts, GIP refer to the contract "immediately after" the precedent contract. CA whose contract has ended before the transfer of programmes may apply for CA position in the agency of destination.

5) Article 20, 6th paragraph, aiming to extend to TAs the benefit of the transfer without a selection procedure of staff from the Commission Directorates-General to the EAs poses an indisputable problem of fairness and transparency, like the colleagues of the staff committee of the Agencies have just underlined this very rightly in their speech.

In fact, whereas for CA staff, article 20, 3rd paragraph b), requires that they have previously passed a complete selection cycle organized by EPSO - which makes the selection procedure between CA colleagues of EAs comparable - this is not the case for AT colleagues. Indeed, the procedure for recruiting a TA in the Commission is in no way comparable to the much more rigorous one imposed on TA colleagues in EAs. This, while thanks to this transfer these colleagues would obtain a more than remarkable benefit by accessing directly and without the slightest additional selection procedure to an AT 2f) contract intended to become of indefinite duration, with identical remuneration

and promotion possibilities to that of civil servants and much higher than those offered to CA colleagues.

Reply:

Regarding the transfer of four Commission's TA2a, they have successfully passed the selection at the Commission, organised to select staff for the EIC project, who were to be transferred to an agency implementing this project after delegation of programmes. Once transferred to the agency, TA will have fixed-term contract only.

Thus, the approach envisaged is quite simply untenable and unacceptable.

What is more, Article 20, paragraph 6, of the decision is far from constituting an example of legal clarity as regards the cases which would be covered. And the slides presented by DG HR during this meeting do not help to understand either, limiting themselves to indicating that "few cases of TA" would be concerned.

Reply:

Regarding TA, the only transfer in bloc in this category of staff, covers four TA 2a from EIC Pilot project who were recruited by the Commission to work exclusively in this project. The delegation of these tasks to an executive agency results in transfer of these TA who are highly specialised in the domain EIC. This transfer had already been foreseen when the Commission published the call for expression of interest to engage TA. The engagement of the Commission's TA will be for a limited duration only – no possibility of indefinite contract and career perspective in the Agency. Moreover, as no other TA will be transferred to the executive agencies, the transfer of a very limited number of specialised TA from the Commission, will neither put in question the use of existing reserve list, nor the career perspective of agency' staff in place.

- In conclusion, once DG HR has responded to the requests and proposals for amendments concerning the draft decision, the organization of a new meeting is needed as the points raised are too important to be handled by a simple written exchange. Given the state of uncertainty of the colleagues concerned, it is essential to ensure a rapid and efficient management of this process.

G2004 – Mr Gutierrez-Dominguez

- Underlines that employment contracts are with the Agency, not the programmes. What is the legal basis for the “en bloc” move of contracts to follow the programmes and not the entity ?
- Also finds the need to discuss about Article 18., 4th paragraph of the decision providing for the automatic termination of the contracts of CA colleagues who do not wish to accept the transfer to another EA. Not the best way to promote the move.

- Supports the need for more explanation on recruitment and contracts of indefinite durations without selection procedures with regard to the Staff regulations / GIPs.

Union Syndicale – Mr Le Dour

- Misses a clear message on the nature of the new Health and Digital Agency.
- Needs for balance of workloads in line of the new budgets and a coherent allocation of resources. Is the staffing of the new agency sufficient given the overload of work expected with the new budget ?
- Need for clarity over the timeline in order to let sufficient time for the staff to make necessary arrangement.
- Request for clarification with regard to staff members whose contracts are ending by the end of this year / early next year. What about their possibility to move if the process is delayed in March or later on ? What about the implementation of disposal of CA GIPs on the interruption of contract less than 6 month?
- Why not create an agency with several places of employment (Brussels, Luxembourg)? The current experience of general teleworking shows that the physical presence in the office is no more required to deliver high standard of work.
- What about the respect of the Asselborn-Georgieva agreement ?
- Need for the creation of an accompanying committee.

RS – Mr Andreone

- Wonders about the new ERA authority: how this will be negotiated, what about the interactions with the new proposed Health and Digital Agency and with ECDC/EMA?
- What about new frontier between regulation agencies/entities and executive agencies?
- Clarifications are requested with regard to the timeline of transfers of programmes (January, March or summer 2021?). Causes stress on colleagues, especially those whose contracts are about to end.
- Wondering how transfers of TA from the Commission to agencies are compatible with Staff regulations / GIPs. Need to explain the restrictions to staff.
- Importance of the human and social dimension in this process.

FFPE – Mr Pecere

- Staff shall be the central focus, hence the necessity of an accompanying committee.

Common Staff Committee of Agencies – Mr. Wert

- All participants eager to receive the answers in writing in the 2 or 3 coming weeks and to organise a follow-up meeting if necessary.

4. FOLLOW-UP FROM THE ADMINISTRATION

Mr Moricca (HR)

- The number of questions is quite important.
- Some can certainly be addressed by DG BUDG but proposes that HR questions will be answered in writing and then we can evaluate the necessity to organise another meeting.

Mr Galand (BUDG)

- Aware that the staff is not limited to numbers.
- The process is different this time than it was 7 years ago. The MFF arrived very late compared to 2013. The legal basis for the new programmes will probably be secured only in January and February. Hopes that the process will be unlocked and clarified. The transfer will happen in one single time – foreseen in the 1st of March / 1st of April.
- Regarding productivity, the staffing has been calculated for the draft MFF. Now in the context of an increase or decrease in the delegated budgets to the programmes, staffing will be adjusted accordingly.
- Regarding ERA, there will probably be some synergies with the programmes EU4Health and Health Research. The positive aspect of this: the grouping of health programmes in a single Agency to facilitate the interaction.

Participants:

OSP de la Commission / Agences

Alliance	Cristiano Sebastiani, Miguel Vicente Nunez, Barbara Tippmann
G2004	Rodrigo Gutierrez-Dominguez
USF	Olivier Le Doux, Augusto Gonzalez
RS	Fabrice Andreone
FFPE	François Pecere

Comités du personnel

Comité central du personnel – Commission	Ignazio Iacono, Arty Kyramarios
Comité du personnel commun des agences	Peter Van Bockland, Bertrand Wert

Comités du personnel des agences

EASME	Gaelle le Bouler
CHAFEA	Dirk Meusel

	Petra Zmeltova
EACEA	Teodora Docheva
ERCEA	Giovanni Torrisi
REA	Rodrigo Gutierrez-Dominguez Dimitrula Minkova, Daniele Palladino
INEA	El-Alami Boualam

HR des agences

EASME	Sylvia Ferretti
CHAFEA	Dirk Meusel
EACEA	Nicole Poupart
ERCEA	Bruno Wastin
REA	Sari Vartiainen
INEA	Maria Novak

Chafea : Mme Wasbauer

SG : Michael Wimmer, Pierre-Henri Lagriffoul

DG BUDG : Christophe Galand, Jennifer Brown

DG RTD : Yvette Chrissantonis

DG HR: Marco-Umberto Moricca, Adrian Dusa, Marta Silva Mendes, Isabelle Gidrol-Husson, Marta Relich Imbart, Ewoud Sakkers, Laurent Duluc, Marie Forgeois, Delphine Bluteau.