



NOTE

ORG
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Review of the Mobility Decision – Record of agreement

*For the attention of: José Carlos LECHADO GARCIA, Kerstin REINHARDT
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RECORD OF AGREEMENT

**pursuant to Article 9(3) of the Agreement between the Council of the European Union
and the Trade Unions or Professional Organisations
of the staff of the General Secretariat of the Council of 28 March 2006
(the 'Framework Agreement') and point 8 of the Annex to the Framework Agreement**

1. Pursuant to Article 9 of the Framework Agreement, the first phase of the consultation procedure, initiated on the request of Administration on 13 May 2024, between

the Administration, represented by Ms Gordana MLAČAK, Head of the Staffing and Mobility Unit (ORG.1), on the one hand, and

Renouveau et Démocratie (R&D), represented by Mr José Carlos LECHADO, and Union Syndicale (U.S.), represented by Ms Kerstin REINHARDT on the other hand,

(hereafter referred to as the Parties)

on the Mobility Decision, has been concluded and has given rise to the present agreement.

2. During the first phase of the consultation procedure, five meetings between the Parties took place on 29 May, 25 June, 20 September, 23 October and 28 November 2024.
3. By email of 12 December 2024, R&D expressed their agreement on the text of the Decision.
4. By email of 13 December 2024, Union Syndicale opposed the text of the Decision.

Since the opposition of one trade union is not an obstacle to common conclusions, the administration considers that an agreement has been reached and shall adopt the decision required pursuant to this agreement, in accordance with Article 10 and Article 8 paragraph (3) of the Framework Agreement of 2006. This consultation procedure has therefore ended in the present Record of agreement and the positions of the Parties are set out in the enclosed Annexes.

Done at Brussels,

For the Appointing Authority



Gordana MLAČAK

For Renouveau et Démocratie



José Carlos LECHADO GARCIA

For Union Syndicale

*Union Syndicale does
not agree on this
decision (see declaration)*

Kerstin REINHARDT



Enclosures:

- Annex I – Appointing Authority's position
- Annex II – R & D's position
- Annex III – US's position

APPOINTING AUTHORITY'S POSITION

ON REVIEW OF MOBILITY DECISION 36/2017

1. Reasons for the proposed review of mobility decision 36/2017

The review of the mobility decision 36/2017 aimed at streamlining and simplifying the current mobility rules to meet current recruitment challenges and shorten the mobility process to the advantage of both GSC staff and services. The review was addressing the areas of mandatory rotation, publication of posts, service length requirements, specialisation of posts and recruitment processes. In addition, it was important to emphasise the value of professional mobility for the GSC which should be encouraged at all levels of the organisation.

A key focus of the review was to simplify and accelerate the publication of vacancies by offering to the relevant services the possibility to publish posts simultaneously to internal and interinstitutional candidates, and to the internal GSC and EPSO laureates. The intention was to reduce delays in filling vacant posts to the benefit of the team, to help manage workload and enhance the process for managing vacancy publications.

The Administration proposed eliminating mandatory AD rotation exercises while maintaining the flexibility for the Appointing Authority to initiate targeted rotations for specific groups of staff on an exceptional basis, should there be a need to stimulate the mobility culture and sharing of knowledge, skills and competencies which could not be met by other mobility measures.

Further, the administration wanted to simplify and update rules on service length requirements for officials in their first job at the GSC and remove the classification of specialised and generalist posts. These rules represented a heavy administrative burden and are considered as disadvantageous for the GSC given the current job market and in comparison with other EU institutions. The administration proposed removing the five-year seniority requirement for some posts, except for Lawyer Linguists, to attract a broader range of candidates and encourage mobility.

As outlined in the mobility decision, these adjustments underline a commitment to fostering mobility at all levels of the GSC while addressing operational inefficiencies and adapting to workforce trends in and outside the EU institutions.

2. The consultation procedure

The consultation process was characterised by constructive negotiations between the administration and OSPs. The administration appreciated the efforts made to find common ground and welcomes the agreement of R&D. It regrets that the US decided not to give their agreement to the decision text in annex.

The administration made several concessions to address the concerns of the OSPs and enhance the fairness of the revised mobility policy. The administration agreed to emphasise the preference for voluntary rotation over targeted rotation and to add measures to manage voluntary participation. A new article on targeted rotations has been formulated, outlining the exceptional nature of targeted rotations, with strict criteria and safeguards. These measures include consultation with the Mobility Committee, transparency in implementing rotations, and post-exercise reviews.

Further, the administration strengthened its support for internal staff and candidates in the preselection phase. Additional concessions included updates to the non-discrimination article, a clarified role for assessors in selection panels, and a commitment to reasonable accommodation.

On length of service in the first post, the administration agreed to a maximum limit of five years at any time and to include minimum requirements and specific working conditions in vacancy notices.

The administration also accepted procedural safeguards, such as allowing the staff representative five days to refer suspected breaches of selection procedures to the Mobility Committee. These steps reflect the administration's dedication to fostering a collaborative and inclusive policy framework.

Outside the text of the mobility decision and considering the likely increase of GSC posts published at interinstitutional level, the administration agreed that the Appointing Authority will advocate at the Collège des Chefs d'Administration for the reciprocity in terms of interinstitutional mobility opportunities for GSC staff to other EU institutions.

3. Main achievements

The administration is pleased to note the following as key achievements of the reached compromise:

- The possibility of simultaneous publication of vacancies to internal and interinstitutional candidates and to laureates of internal and EPSO competitions to enhance recruitment processes where required.
- The end to mandatory AD rotation exercise while maintaining the possibility to initiate targeted rotation exercises on an exceptional basis
- A reduced minimum service length requirements: two years for newcomers from EPSO and internal competition laureates.
- The removal of references to specialised posts, reducing the administrative burden and enhancing accessibility for candidates.
- Elimination of fixed preselection candidate quotas, allowing a more adaptive approach.
- Commitment to providing proactive feedback to candidates, fostering an open and supportive recruitment environment.

Bruxelles, le 10 janvier 2025

Declaration R&D
Decision of the Secretary-General of the Council
on mobility of officials in the GSC

In May 2024, the Administration opened a trade-union consultation with a view to revising the Secretary-General's 2017 Decision on the GSC's mobility rules. The Administration's main intentions were to remove the concept of regular mandatory rotation, to remove the distinction between generalist and specialised posts, and to allow for a possibility to immediately publish vacancies outside the institution for all types of posts.

Renouveau & Démocratie considers that the outcome of these negotiations is the best achievable result for the GSC's staff. **R&D's** input to those negotiations was essential in arriving at what we consider a balanced agreement.

From the beginning of the negotiation, the representatives of **R&D** proposed, in a constructive and reasoned way, numerous amendments aimed at improving both the substance and the form of the draft decision. As regards the most controversial elements of the Administration's initial text (the possibility of immediately publishing vacancy notices outside the GSC and the maintenance of a rotation system), the Administration accepted most of the **R&D's** proposals aimed to establish an appropriate regulatory framework with the necessary safeguards to ensure a useful and beneficial mobility system for both the Institution and its staff.

In addition to the terms formally agreed during the negotiation, **R&D** has asked the Administration for its commitment to negotiate with the other institutions within the College of Heads of Administration the possibility of initially publishing their vacancy notices to all the institutions (as the Council is going to do), and to include in Article 17(7) of the Decision a sentence including the participation of staff representation in the review of any targeted rotation exercises.

This positive outcome of the consultation doesn't mean that we can rest on our laurels in terms of mobility issues at the GSC! An outstanding question that remains to be addressed by the Administration is why mobility is not perceived as something attractive and rewarding? Why are colleagues across the GSC hesitant to see if the grass is greener elsewhere in the house? These questions deserve serious attention and understanding the answers is an essential element underlying any mobility policy the organisation pursues.

In that sense, if colleagues feel comfortable to take part in mobility then the number of internal candidates will increase. As a corollary, if services see that there is a regular pool of such candidates, then they will think twice before considering whether it's necessary to broaden the vacancy notice beyond our own internal candidates. So while we must ensure mobility opportunities in the GSC for internal staff, we must also recognise that for the moment it is necessary to allow for the possibility of quicker recruitment procedures to vacant posts to ensure that colleagues do not have to cover for the absence of a colleague for too long.

We should also recognise that in certain services and posts, there is an inherent value in seeing officials develop their experience and expertise in their post. It is sometimes in everyone's interests -the individual's as well as the organisation's- that some people remain on their post for a longer period.

What is absolutely essential is that staff feel in control of their own career and the evolution of their talents, skills, and future direction. In that sense forced or obligatory rotations should be avoided -during our negotiations the Administration appeared to have grasped that.

R&D Council
Executive Committee

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Brussels, 9 January 2025

Negotiations on the SG decision on mobility

Declaration of **Union Syndicale**

In May 2024, the Administration opened negotiations with the unions on a new version of the Secretary-General's decision on GSC mobility. At the end of the first negotiation phase, **Union Syndicale** maintained its position, namely that two of the proposed amendments were unjustified as they seriously undermined mobility prospects for GSC staff.

Unfortunately, and without a timely consultation of the other unions, R&D reversed its position, abandoning its initial red lines and its commitment to act in concert with **Union Syndicale**. We particularly regret that, in so doing, R&D has agreed to what we regard as an unacceptable text and waived the right to a second negotiation phase as provided for in the rules.

Union Syndicale maintains its objections on two contentious issues:

1. Publication of vacant posts:

The proposal - based on a new interpretation of Article 29(1) of the Staff Regulations – allows the simultaneous publication of vacant posts to internal, interinstitutional and external candidates. This marks a break with established practice, namely that vacant posts are first published internally. The change denies internal candidates the best chances of success when applying for vacant positions. Under the new text, those posts will be opened up immediately to applications from interinstitutional or external candidates.

The result: a significant reduction in the selection opportunities for GSC staff, directly leading to reduced internal mobility and an increase in external recruitment.

2. Rotation exercises:

The two previous compulsory AD rotation exercises had a negative impact on the staff and services concerned. The exercises were time-consuming, a number of staff were moved against their wishes, services lost valuable expertise and the impact on the GSC was disruptive. As a result, the Administration had begun to reverse its approach. However, the new proposal again provides scope for mandatory rotation exercises.

Union Syndicale maintains that this is not justified. Where rotation exercises are considered necessary, they should be voluntary.

These changes will have an adverse impact on internal mobility and on the GSC as a whole. However, as the consent of only one of the trade unions is necessary, the new version of the Secretary-General's decision on mobility, including the new amendments, will now be adopted with the agreement of R&D only.

Union Syndicale regrets R&D's decision to reverse its original opposition and needlessly agree to the unacceptable proposals at the end of the first phase of the negotiation, without even exploring the option of a second negotiation phase.

Union Syndicale objects to the Administration's intention to proceed on this issue – which will have such a significant and adverse impact on staff - without even securing the agreement of the most representative union.