



UNION SYNDICALE FEDERALE

des Services publics européens et internationaux

Avenue des Gaulois, 36 - B-1040 Bruxelles -
Tél. 32.2.733.98.00 - Fax 32.2.733.05.33 - usf@unionsyndicale.eu

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Président EU du Comité des Ambassadeurs

Madame Ilze Juhansone - permrep.eu@mfa.Gov.lv

President ACP du Comité des Ambassadeurs

Mr Roy Mickey Joy

Email: info@vanuatuembassy.be and joyroymickey@yahoo.co.uk

MEMBERS OF THE BUREAU OF THE COMMITTEE OF AMBASSADORS

East Africa : MAURITIUS - HE Mr J. Koonjul (ambmaur@skynet.be)

West Africa : MALI - S.E.M. CISSE Sékouba (info@amba-mali.be)

Central Africa : REPUBLIC OF CONGO_– SE Monsieur Henri MOVA SAKANYI
(secretariat@ambardc.eu)

Southern Africa: -ZIMBABWE - Chargé D’Affaires a.i. (zimbrussels@skynet.be)

Caribbean : BARBADOS – H. E. Mr. Samuel CHANDLER (brussels@foreign.gov.bb)

Pacific : SAMOA - H. E. Fatumanava Dr Pa’o LUTERU (samoaembassy@skynet.be)

GUINEA – S.E. Dr Ousmane Sylla (osyllaguineeconsult@yahoo.fr)

LESOTHO - H. E. Mrs Mpeo MAHASE-MOILOA (lesothobruem@skynet.be)

Dear all,

Both Union Syndicale Fédérale (USF) and its affiliate USCDE, unions defending the interests of international public service employees, warmly welcome the new initiatives aiming at the development of the ACP states and the cooperation with the European Union, as evidenced by the Joint Declaration of the 22 April 2015 by the European Commission and the African Union Commission. We take particular note of the string of high level meetings to come and the “fair and ambitious commitments from all parties” under par.37 of the Declaration. We also see that from the side of the European Union a real upgrade of the cooperation is seriously considered as evidenced by Council Regulations 233/2014 and 236/2014.

This evolution is very much in line with the values and commitments CDE staff have lived up to until the closure of the CDE. Weak structures and doubtful management of the CDE did not allow the staff to unfold the potential of the CDE, despite the high level of dedication of staff going as far as whistle blowing, followed by unjustified disciplinary actions and arbitrary dismissal of staff members. The staff (sadly) welcomed the intervention of OLAF and the reduction of operations budget despite the positive recommendations issued from the CDE stakeholders meeting held in 2013, that triggered the end of the CDE decided 2014 in Nairobi.

USF and USCDE also welcome the strong link of the new ambitious programmes with fundamental rights, including social rights, rule of law, good governance and the relevant principles of international law (see the Declaration, par.11 and the Council Regulation 233/2014, introductory par. (5), (7), (11), Art.2b (ii), Art.3.8 (b)).

USF and USCDE think that tasking the EU Commission and the External Service of the European Union with the new ambitious programmes is a logical option. We also take note of the recruitment of staff needed to carry out these programmes, which must be seen as a direct follow-up of the CDE activities at a higher level. We share the General Principle expressed in Regulation 233/2014 under par.12 (“share the reform and transition experiences of Member States and the lessons learned”).

USF and USCDE sincerely hope that the new approach and efforts will produce the expected results.

USF and USCDE also think that the imminent start must be a good start, not tainted in its very early stage with a breach of the Charter of the Fundamental Rights of the European Union (EU FRC).

Indeed, for technical reasons to be explained in a separate legal analysis, the few staff of the CDE are to be considered as protected by the EU FRC, Art.30 (Protection against unfair dismissal). Due to recent case law of the CJEU, the protection available through Art.30 EU FRC must be assumed as encompassing the situation of the CDE staff who witnesses recruitments for tasks they have been carrying out within the scope of the European Union legal order (CJEU rulings C-464/13, T-175/03, T-144/02).

Seen in this light, the mission of the Curator tasked with the winding down of an organisation which tasks allegedly disappeared, as defined by the EU Commission, is inadequate. The EU Commission and the EEAS cannot unburden themselves from their legal obligations under Union legislation by tasking a Curator with an ill-defined mission.

USF and USCDE consider the EU Commission and/or the EU's External Action service as the employers of the CDE staff "de iure" in the light of the quoted CJEU case law.

USF and USCDE therefore suggest that the EU Commission and the EEAS seriously envisage solutions for the USCDE staff in order to meet their obligations, thereby avoiding tainting a very promising start of the EU-ACP States' cooperation.

We remain at your disposal for any further information, including our understanding of the CJEU's quoted case law.

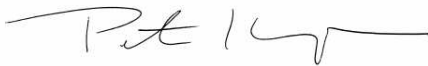
Yours sincerely,

USF
Sylvie Jacobs, Présidente



USCDE
Mary-Jane Caudron, Présidente

Peter Kempen, Secrétaire général



Copy: Jan Willem Goudriaan, Sec.Gen., EPSU, Federation of the European public services

Copy:
Directeur général de la DG DEVCO - Coopération internationale et développement

M. Fernando Frutuoso de Melo
Rue de la Loi 41
B-1049, Brussels, Belgium
Fernando.FRUTUOSO-MELO@ec.europa.eu

CDE President of the Executive Board

Mr Félix Mouko (fmouko@yahoo.fr)

CDE Director-Curator

Mrs Ilse Van de Mierop (ilse.vandemierop@dlapiper.com)