



EUROPEAN COMMISSION
The Secretary-General



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Brussels, 27 July 2018
Save Ares(2018)4397506

**NOTE FOR THE ATTENTION OF
EEAS AND COMMISSION STAFF OF UK NATIONALITY**

Dear colleagues,

We are fully aware that the decision of the United Kingdom to withdraw from the European Union has created a lot of uncertainty and anxiety for our staff with UK nationality about their professional future within the EU institutions.

After an extensive round of consultations, and taking into account the interests of UK staff as well as the need to ensure that the Commission and the EEAS continue to benefit from their experience, expertise and skills to the maximum extent possible, the Commission and the EEAS have agreed on a common approach to staff having only UK nationality working in EU Delegations. This approach is based on their status, the state of play of the withdrawal negotiations, as well as the confirmation that the appointing authorities (AIPN) of the Commission and of the EEAS will not apply Article 49 of the Staff Regulations with regard to UK officials – except in specific cases such as conflicts of interests or because of international obligations – and will make a generous and transparent use of the exceptions provided by Article 47 of the Conditions of Employment of Other Servants.

Preliminary remarks:

On 29 January 2018, during a meeting with Commission staff, Commissioner Oettinger explained that staff with UK nationality only could, in principle, no longer be employed in Delegations after the withdrawal of the United Kingdom. They should, in principle, be transferred to Headquarters, in accordance with the Staff Regulations (Article 1(2) of Annex X thereto) and/or Article 8 of the Vienna Convention on Diplomatic Relations.

While it is clear that the subsequent College decision of 28 March 2018 regarding UK staff covers also staff in EU Delegations, there are three main particularities as regards staff in Delegations:

- Article 1(2) of Annex X of the Staff Regulations provides that only nationals of the EU Member States may be recruited to serve in Delegations in third countries;

- under the decision of 28 March 2018, the use of Article 49 of the Staff Regulations remains possible in “*specific cases such as conflicts of interests or because of international obligations*”; and
- under the decision of 28 March 2018, for temporary and contract agents, the use of the exceptions to maintain agents who no longer have the nationality of a Member State should be assessed on a case-by-case basis.

The Commission and the EEAS have committed to apply a generous and transparent use of those exceptions.

In addition, the draft Withdrawal Agreement of 19 March 2018 (Article 122(7)(c) thereof) says explicitly that for the purposes of recruitment (including in the EU Delegations) the UK will be considered as a third country as of 30 March 2019.

The High Representative and the Commission have therefore come to the following conclusions with regard to staff with UK nationality only:

1. Permanent Officials (AD and AST)

Heads of Delegations, as well as staff in other management functions representing the EU, who have UK nationality only, will have to return to Headquarters by 29 March 2019.

All other officials who have UK nationality only will be transferred back to Headquarters by September 2019 in the context of the rotation exercise.

Prior to 30 March 2019, the EEAS will inform the countries where UK staff (both Commission and EEAS) are posted that those staff members will remain in the Delegations as indicated above. Should the Host State object, they will have to return to Headquarters in compliance with Article 8(3) of the Vienna Convention on Diplomatic Relations.

2. Temporary Agents

As from 30 March 2019, temporary agents with UK nationality only can no longer be recruited and serve in Delegations. As is the case for officials, all temporary agents with UK nationality only who are currently in Delegations will have to return to Headquarters by September 2019 in the context of the rotation exercise, where they may continue to be employed subject to what has been set out in the decision of 28 March 2018.

Temporary agents seconded from the UK diplomatic services and whose contracts come under Article 2(e) of the Conditions of Employment of Other Servants, whether posted in a Delegation or at Headquarters, will no longer serve in the EEAS after 29 March 2019. They will be either recalled by the Foreign and Commonwealth Office before that date or served notice by the EEAS in due time.

3. Contract Agents

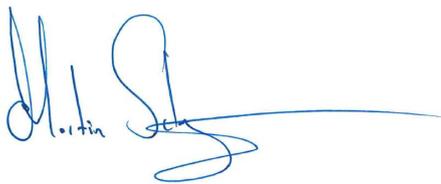
As from 30 March 2019, contract agents with UK nationality can no longer be recruited and serve in Delegations. As is the case for officials, all contract agents with UK nationality only who are currently in Delegations will have to return to Headquarters by September 2019. When they return to Headquarters they may continue their service as a contract agent with the EU at Headquarters – for a maximum period of four years in

any case – subject to what has been set out in the decision of 28 March 2018, which provides for a case-by-case analysis in order to allow duly justified exceptions to the nationality requirement laid down by the Conditions of Employment of Other Servants. A possible alternative is that they may continue to serve in a Delegation as a local agent, subject to the applicable requirements of the Host Country and to the conditions laid down by the Vienna Convention on Diplomatic Relations and, in that respect, they should not be entrusted with the fulfilment of diplomatic functions.

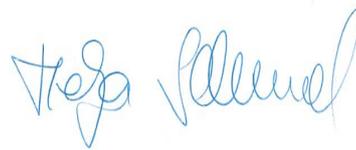
4. Seconded national experts (SNEs)

All SNEs from the United Kingdom, including military SNEs, who are serving in Delegations as well as at Headquarters, will be served notice in due time and have their secondment terminated by 29 March 2019.

You can remain assured that the Commission and the EEAS have the interests of their UK staff at heart and will continue to work towards finding the best possible solutions.



Martin Selmayr



Helga Maria Schmid