



# British Colleagues Fight To Reinstate Individual Rights Post-Brexit

Imagine that you spent your career working for a European project, building your life and family in an EU country, contributing both financially and professionally to the Institutions, but one day, your country voted to leave the EU. Should the personal rights you acquired upon entry to the service be taken away, even if you remain working for the Union?

For the British staff at Fusion For Energy who were not able to obtain a second nationality, they received an Exception from the Director in March 2019 to remain working at F4E, with the insinuation that the conditions of their contracts would stay the same. In February 2020, F4E HR informed the UK staff that they could expect a communication on the individual entitlements decision following the UK withdrawal. They received no such information, and in June 2021, British colleagues suddenly realised that their Annual Travel Payment had been taken away without warning. F4E HR had not noticed this, but subsequently informed staff that they would no longer be entitled to the travel payment, with a PMO decision based on Article 8 of Annex VII to the Staff Regulations, that *officials whose place of origin lies outside of the EU/EFTA shall not be entitled to the payment.*

## Unique Conditions of Employment

The case of a place of origin changing status was never foreseen, there is no precedent in the Regulations to account for this. If British staff now don't have a place of origin inside the Union, what about their other rights based on this same classification? Could the UK be added to the list of countries in Annex 7, given the staff were granted exceptions to continue in the service? The Statutes of Fusion for Energy also state that staff 'shall in general be nationals of the Members of the Joint Undertaking'. Should UK staff therefore not benefit from the same rights as others at F4E? This discrimination remains despite the EU-UK Civil Nuclear Agreement 2021 and the UK's recommitment to ITER, leaving many questions unanswered.

## The Road Ahead

British colleagues asked F4E HR how they would advocate for them, but they ultimately felt unsupported, and turned to the Staff Committee and U4U for help. With this support, F4E British staff submitted an Article 90 complaint in August 2021, and in January 2022 received a response from DG HR to state the complaint had been rejected, and they were entitled to appeal to the Court within a 3 month period. They will now appeal in a collective request to have their travel payment reinstated.

*Are you in the same situation? Would you like to join a collective appeal? Let U4U know.*

**F4E British colleagues would like to thank U4U for their assistance and support in this matter.**

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