



JOINT OSP AMENDMENT PROPOSAL

Joint Decision C(2019) 5686 – Conditions of Employment of Local Staff

*Position Paper for Social Dialogue with EEAS RM.BHR.5
September 2026*

Note on this revision: This document incorporates outcomes of the Joint CLP-HU / EEAS SC and BHR.5 meeting of 18 March 2026, evidence from the Western Balkans modernisation and redundancy processes, and the overdue five-year implementation assessment required by Article 32(3). It is submitted as a companion to the joint OSP amendment proposals on the LAPF (C(2019) 5685), LA Medical (C(2019) 5684), and Salary Adjustment Methodology. Together, these four documents constitute the staff committee's consolidated position for a comprehensive social dialogue package requested by September 2026 at the latest. All proposed article texts are offered as a working basis for negotiation, not final positions.

1. Background and legal context

Joint Decision C(2019) 5686 entered into force on 1 June 2020, replacing the Framework Rules of 1990 that had governed Local Agent employment conditions for three decades. Article 32(3) requires that the implementation be assessed at the end of a five-year period — a deadline that fell in June 2025 and has passed without a formal assessment being launched.

At the Joint Meeting of 18 March 2026, BHR.5 confirmed that social dialogue on LA Decisions' reform will commence no later than Q1 2027 as part of a comprehensive package covering four instruments simultaneously: the Conditions of Employment, the LAPF decision, the LA Medical decision, and the salary adjustment methodology. The budget-neutrality constraint will apply across the package.

The above OSPs do not agree to the Q1 2027 start date, and is of the opinion that, since these comprehensive Draft documents are now made available to the Administration, the Social Dialogues must start in September 2026 at the latest. Due to the global economic instability there should be no further slippage and the social dialogue must address substance, not just process.

The CoE is the constitutional instrument. Where the LAPF, LA Medical, and salary methodology decisions regulate specific schemes, the CoE establishes the fundamental employment framework: grading, career progression, working conditions, leave, termination, appeals, and the duty of care. Structural weaknesses in the CoE cannot be remedied through the satellite instruments alone. Five years of operational experience — including the Western Balkans modernisation programme, the COVID-19 pandemic response, and the ongoing redundancy processes — have exposed gaps that require legislative correction.

2. Key issues identified since entry into force

2.1 Career progression and promotion ceiling

Article 9(5) limits promotions to four within a given function group. For long-serving LAs — particularly those in Group I with 20–30 years of service — this ceiling is frequently reached mid-career, eliminating the only meaningful recognition mechanism available. Unlike officials and contract agents, LAs have no inter-institutional mobility, no grade structure, and no reclassification pathway. The promotion ceiling is therefore not merely a career inconvenience but a structural dead-end.

A specific transitional issue compounds the problem: staff who signed the 2020 addendum under Article 33(1) received a one-off transition step. Whether this was recorded as a formal promotion (counting towards the four-promotion ceiling) or as a separate administrative measure varies across Delegations and has never been formally clarified. The answer directly affects the remaining career prospects of hundreds of Local Agents.

2.2 Function group misclassification

At the 18 March 2026 meeting, OSPs presented evidence that programme managers in the cooperation section of a Western Balkans Delegation, employed as LA2, perform full LA1 functions — steering committee representation, project cycle management, financial oversight — that would be classified as LA1 in comparable Delegations. OSPs argue that Article 9(7) already provides a sufficient basis for correction in clear-cut cases, without waiting for the full framework.

This is not a new issue. CLP-HU and the EEAS Staff Committee have been requesting a systematic approach to misclassification since at least 2021, and the demand predates the current Bureau. BHR.5 acknowledged the problem but cautioned on the compounding budgetary impact at network scale. The joint CLP-HU / EEAS SC survey endorsed on 18 March 2026 has since been completed and provides the evidence base. Conducted in May 2026, it drew 520 responses from all five geographic regions, and 76% of respondents below Group I reported that their function group does not match the duties they actually perform. The mismatch is concentrated in the middle grades — 80% in Group II, 71% in Group III and 91% in Group IV — against only 22% in Group I, which served as the control group. The problem is entrenched rather than incidental: 56% of reported mismatches have persisted for more than five years, 40% of Group II respondents regularly perform three or more Group I duties, 54% of those affected were unaware that correction was even possible, and only 21 of 68 refused correction requests received a written and reasoned decision. In the interim, the CoE must establish a member-initiated reclassification procedure — currently absent from Article 9 — so that, once the standardised job descriptions are available, BHR.5 can act on these findings directly rather than deferring to a future CoE revision.

BHR.5 committed to finalise and endorse standardised job descriptions under ADMIN(2020)21/23 (agreement with the Commission expected within weeks). This prerequisite must be delivered before the social dialogue can meaningfully address classification.

The Administration itself has acknowledged both the problem and the missing procedural element. In a formal reply dated 29 July 2025 (Ares(2025)6151010), the Deputy Director-General for Human Resources and Security, Christian Roques, confirmed that “a clear and transparent process for submitting and assessing requests must be established” and that “standardised descriptions of the different job profiles are required” before function group corrections under Article 9(7) can proceed. The standardised descriptions were described as “underway” since at least November 2024 and have

not been delivered as of the date of this proposal — over 18 months later. Amendment A3 below provides the legislative basis for a “clear and transparent process” that DG HR has called for.

2.3 Redundancy procedural safeguards

The Western Balkans modernisation programme — up to 29 economic redundancies across Albania, Montenegro, Serbia, Kosovo, Bosnia and Herzegovina, and North Macedonia — has exposed fundamental gaps in the CoE’s procedural framework. The experience in Bosnia and Herzegovina, presented at the 18 March 2026 meeting, is illustrative:

No written notification of redundancy was received despite verbal communication in October 2025. Selection criteria and their weighting were not disclosed until approximately six weeks before the meeting and were not weighted at the time the selection decision was made, raising concerns about post-hoc justification. EVAL (performance appraisal) was used as a selection criterion despite being designed as a non-mandatory development tool producing average scores. Deadlines imposed on affected staff for responding to amicable settlement proposals were unreasonably short. The initial financial proposal was below the minimum required under local labour law. Vulnerable categories identified under local law were nonetheless included on the redundancy list. The process was legally rejected twice — by CLP-HU and by the Council of Employees — under local labour law.

Article 26 of the CoE, which governs termination, contains no procedural requirements for economic redundancy. This is the legislative gap the proposal addresses.

2.4 Equal treatment and unified conditions

The coexistence of three legal bases creates differential treatment among colleagues performing identical work in the same Delegation. Severance grants, leave entitlements, dental coverage, and post-employment extension rules all differ depending on which contract framework applies. BHR.5 itself acknowledged on 18 March 2026 that a critical mass under unified conditions is needed before comprehensive reform can proceed. The CoE must establish the mechanism.

2.5 Parental rights gap

Article 16 provides maternity leave (minimum 20 weeks) but the CoE is entirely silent on paternity leave and parental leave. Officials and contract agents receive both under the Staff Regulations. LAs performing equivalent functions in the same Delegation are denied these entitlements — an unjustifiable disparity that undermines the EU’s own gender equality and work-life balance commitments.

2.6 Teleworking

The Decision of the Director-General for Resource Management on teleworking for local staff in Union Delegations — Decision EEAS ADMIN(2026) 20 — was developed through four sessions of social dialogue with the trade-union representatives and was formally adopted in August 2026. Implementing guidance has since been issued to all Delegations through Ares, and the relevant chapter of the EU Delegations’ Guide has been updated. This is a positive outcome of staff engagement, and the teleworking framework is therefore not proposed as a separate amendment here. However, the CoE should include an enabling reference giving the teleworking Decision a clear legal anchor in the primary employment instrument. We further note that the Joint Committee on Flexible Working foreseen under Article 8 of the Decision is not yet constituted: CLP-HU has not yet

been requested to nominate its members and, should no request be received by the November 2026 plenary, the matter will be raised with the Administration.

2.7 Appeal mechanism limitations

Article 28 makes the AACC's decision on appeal "final," with recourse to local courts (Article 30) only after exhausting internal procedures. In practice, diplomatic immunity in many host countries renders local court access illusory. LAs thus have no effective external remedy — a situation incompatible with the principle of effective judicial protection that the EU upholds in its external policies.

3. Proposed amendments

Amendment A1: General Articles (Articles 3 to 17)

Article	Current text (summary)	Proposed amendment	Justification
C(2019) 5686 Art. 3(3)	<i>Article 3 3. This Decision and the contract of employment shall be applied without prejudice to local law in accordance with paragraph 1 but shall not have the effect of duplicating or extending rights set out in the local law which have the same or a similar purpose or effect.</i>	<i>Amend Article 3(3): Delete the wording "or similar purpose or effect".</i>	The current wording is too broad and risks an excessively open interpretation by the Administration, which could result in the elimination or reduction of severance-related or other contractual entitlements. Local law should be applied consistently rather than selectively, particularly where its application has a direct economic impact on the rights of local staff.
Art. 5(1)	<i>Article 5(1) 1. Contracts of employment shall be concluded by the AACC for a fixed term or for an indefinite duration. They shall be in writing.</i>	<i>Amend Article 5(1): A fixed-term contract may only be used where it is expressly permitted under applicable local law.</i>	
Art. 7	<i>Article 7 1. Local staff shall perform duties under the supervision and responsibility of a Union official, temporary agent or contract agent in accordance with the organisation of the Delegation. 2. The description of the duties to be</i>	<i>Add new Article 7(3): The Local Agent should be informed in advance and should agree to any substantial amendment to the job description or duties foreseen in the employment contract.</i>	The job description and duties set out in the employment contract are an essential element of the employment relationship, giving the Local Agent a clear understanding of the functions and responsibilities of the post. The purpose of this amendment is to ensure transparency and legal certainty regarding those duties. A substantial change to those duties may materially alter the

	<i>performed by the member of the local staff, may be adapted by the AACC in accordance with the needs of the Delegation and the interests of the service, while respecting the function group and the general nature of the duties stipulated in the contract of employment.</i>		nature, scope or level of responsibility of the position, and therefore the terms under which the Local Agent accepted employment. Such changes should not be introduced unilaterally: the Local Agent should be informed in advance and given the opportunity to agree to the proposed amendment.
Art. 11(4)	<i>Article 11(4) Hours worked in excess of the working hours determined in accordance with paragraphs 1 and 3, and subject to prior written authorisation by the AACC, may be regarded as overtime. Authorisation for overtime shall be restricted to absolute necessity in cases of emergency or exceptional burden of work. Compensation for overtime shall be determined by the AACC.</i>	<i>Amend Article 11(4) — add at the end: The application and compensation of overtime should always comply with and respect applicable local law.</i>	
Art. 16(5)	<i>Article 16(5) Members of the local staff shall take all necessary action to receive maternity leave entitlements to which they may be eligible by virtue of local law or by virtue of their affiliation to the local social security system and shall declare these entitlements. The payments for maternity leave under this article shall only be made after deduction of any entitlement of a similar nature for which the member of</i>	<i>Amend Article 16(5) — add at the end: Maternity-leave payments should be made on the normal salary-payment date of the corresponding month. The employer will complement the social-security benefit so that the Local Agent continues to receive the equivalent of the monthly salary during the whole period of maternity leave.</i>	<i>Where the employer complements the social-security benefit, any deduction in respect of benefits subsequently received from the local social-security system may be made at a later stage. Local social-security entitlements are often subject to significant administrative delays, and the Local Agent should not be left without salary in the meantime.</i>

	<i>the local staff may be eligible under local law or under the local social security system.</i>		
Art. 17(2)	Art 17 (2) CHAPTER 6 REMUNERATION Article 17 2. The AACC shall adopt rules for determining and adjusting the remuneration of the local staff, taking into account the following: (a) adjustments required by local law; (b) salaries in international bodies, embassies, and other relevant entities at the place used as a reference by the AACC; (c) any other factors regarded as relevant by that authority. 3. Remuneration shall be determined on a regular basis by the AACC in accordance with the rules adopted under paragraph 2.	Amend Article 17(2): 2. The AACC shall adopt rules for determining and adjusting the remuneration of the local staff, taking into account the following: (a) adjustments required by local law; (b) salaries in international bodies, embassies, and other relevant entities at the place used as a reference by the AACC; (c) the evolution of inflation and the cost of living at the place of employment; (d) any other factors regarded as relevant by that authority. 3. Remuneration shall be determined and adjusted on a regular basis by the AACC in accordance with the rules adopted under paragraph 2, considering, in particular, the evolution of inflation and the cost of living.	<i>Including inflation and the cost of living as an explicit criterion would provide greater transparency and predictability in the remuneration review process, and help ensure that Local Agents do not suffer a progressive loss of purchasing power as prices rise.</i> <i>This criterion should be mirrored in the salary review methodology.</i>

Amendment A2: Promotion ceiling reform and transition step clarification (Article 9(5) – revision)

Article	Current text (summary)	Proposed amendment	Justification
C(2019) 5686 Art. 9(5)	<i>The AACC, having consulted a joint committee, may grant a particularly deserving member of the local staff promotion in the form of two additional steps within his function group.</i> <i>A member of the local staff may not be promoted more than four times within a given group.</i>	Amend Article 9(5): <i>‘The AACC, having consulted a joint committee, may grant a particularly deserving member of the local staff promotion in the form of two additional steps within his function group. A member of the local staff may not be promoted more than six times within a given group.’</i> Add new paragraph 5a: <i>‘The transition step granted under Article 33(1) upon</i>	Long-serving LAs (20–30 years) reach the four-promotion ceiling mid-career, eliminating the only meaningful recognition mechanism. Unlike officials and CAs, LAs have no inter-institutional mobility or reclassification pathway. The transition step ambiguity affects all staff who signed the 2020 addendum. Without clarification, some Delegations may count it as a promotion while others do not — creating

		<i>signature of the addendum to the employment contract shall not be counted as a promotion for the purposes of paragraph 5. The AACC shall, within three months of the entry into force of this revision, confirm to each affected member of the local staff the number of promotions recorded against their name and the remaining entitlement.'</i>	unequal treatment across the network. Raising the ceiling to six promotions extends career recognition without open-ended cost exposure. The AACC retains full discretion over individual promotions.
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Amendment A3: Transparent reclassification framework (Article 9(6)–(7) – revision)

Article	Current text (summary)	Proposed amendment	Justification
C(2019) 5686 Art. 9(6)–(7)	Article 9(6): A member of the local staff may move from one function group to another when changing duties to take up a vacant post. Article 9(7): In exceptional cases and for duly justified reasons, the AACC may, in the interests of the service, decide to modify the organisation chart of a Delegation and move a member of the local staff to a higher function group.	Add new paragraph 7a: <i>'Where a member of the local staff demonstrates, by reference to the standardised job descriptions adopted under this Decision, that the duties actually performed correspond to a higher function group than the one to which the member is assigned, the member may submit a reclassification request to the AACC. The AACC shall assess the request within six months, on the basis of the standardised job descriptions, and notify the member of its reasoned decision. Where the request is upheld, reclassification shall take effect from the date of the request or the date on which the misclassified duties commenced, whichever is later. The AACC shall consult the staff committee before adopting a decision rejecting a reclassification request.'</i> Add new paragraph 7b: <i>'The AACC shall, within 12 months of the entry into force of standardised job descriptions, conduct a systematic review of function group assignments across the Delegation network. The results of the review, including</i>	CLP-HU and the EEAS Staff Committee have been requesting a systematic approach to misclassification since 2021; the demand predates the current Bureau. On 18 March 2026, CLP-HU presented a concrete case — LA2s performing full LA1 duties — and proposed a joint survey, which the EEAS Staff Committee endorsed. That survey has since been completed: of 520 respondents across all five regions, 76% below Group I reported a mismatch between their function group and their actual duties, rising to 80%, 71% and 91% in Groups II, III and IV respectively. The evidence base the reform requires is therefore already on the record. BHR.5 committed to finalise standardised job descriptions (ADMIN(2020)21/23) within weeks. Without a procedural framework, the job descriptions create a diagnostic tool with no treatment pathway. DG HR itself confirmed (Ares(2025)6151010, 29 July 2025) that “a clear and transparent process for submitting and assessing requests must be established.” Amendment A3 provides the legislative basis for that process. Article 9(7) currently limits reclassification to “exceptional cases” decided unilaterally by the

		<i>any identified misclassification patterns, shall be communicated to the staff committees.'</i>	AACC. This amendment creates a member-initiated process anchored in objective criteria. The standardised job-description exercise cannot be used as a reason to defer correcting Delegations' organigrams and classifying colleagues in the appropriate categories — an exercise the Administration committed to carrying out more than four years ago.
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Amendment A4: Incapacity for work (Article 22 – revision)

Article	Current text (summary)	Proposed amendment	Justification
C(2019) 5686 Art. 22 (modification)	<i>Article 22</i> <i>1. A member of the local staff who is unable to work as a result of sickness or accident shall remain entitled to remuneration during the first thirty calendar days of incapacity. A second period of incapacity occurring within fourteen calendar days of the end of a period of incapacity shall be added to the first period of incapacity unless a medical report is produced showing that the second period of incapacity is the result of another illness or another accident.</i> <i>2. Compensation for loss of earnings to which a member of the local staff is entitled by virtue of his affiliation to a social security scheme shall be deducted from the remuneration paid during this period.</i> <i>3. From the thirty-first day of incapacity</i>	<i>Amend Article 22 to read:</i> <i>'A member of the local staff who is unable to work as a result of sickness or accident shall remain entitled to remuneration during the first thirty calendar days of incapacity. In cases of serious illness or accident, the member of the local staff shall be entitled to full remuneration for a further period of sixty calendar days. From the ninety-first day of incapacity onwards, the member of the local staff shall receive social security benefits in accordance with the provisions of Article 121 of the CEOS.</i> <i>For the remainder of the period of incapacity, the employer shall complement the social-security benefit so that the Local Agent continues to receive the equivalent of his or her monthly salary.'</i>	A clear description of the procedure applicable in the event of illness is also necessary. It is important to reiterate that, in most cases, social-security benefits do not cover the Local Agent's full salary. In addition, in several countries, social-security benefits may not be paid immediately and delays in processing and receiving such benefits can occur. It would therefore be inappropriate for a Local Agent to be left without the payment of his or her salary, or with a significant reduction in income, precisely at a time when he or she is facing a serious illness or accident and is most in need of financial security. The proposed amendment aims to ensure an adequate level of income protection during periods of serious illness or accident. Extending the period of full remuneration to sixty days and providing for the employer to complement the social-security benefits thereafter would ensure that the Local Agent continues to receive an amount equivalent to his or her monthly salary during the period of incapacity. This would also prevent the Local

	<i>onwards, the member of the local staff shall receive social security benefits in accordance with the provisions of Article 121 of the CEOS.</i>		Agent from being financially disadvantaged as a result of delays or limitations in the applicable social-security system.
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Amendment A5: Redundancy procedural safeguards (Article 26 – new paragraphs)

Article	Current text (summary)	Proposed amendment	Justification
C(2019) 5686 Art. 26 (new)	<i>Article 26 provides for termination by economic redundancy (paragraph 1(c)) and sets notice periods (paragraph 3) and severance grants (paragraph 4) but contains no procedural requirements for how economic redundancies are to be conducted.</i>	<i>Add new Article 26a – Procedural requirements for economic redundancy:</i> <i>‘1. Where the AACC envisages economic redundancies affecting one or more members of the local staff, the AACC shall: (a) notify the affected staff in writing at the earliest opportunity and no later than the commencement of the notice period; (b) disclose in writing the selection criteria and their weighting before the selection decision is taken; (c) consult the staff committee and, where applicable, the local staff representative body, before finalising the selection; (d) allow affected staff no fewer than 15 working days to respond to any amicable settlement proposal.</i> <i>2. Performance appraisal tools not designed for comparative assessment shall not be used as selection criteria for economic redundancy unless they have been specifically calibrated and validated for that purpose.</i> <i>3. Vulnerable categories identified under applicable local law shall be given priority for retention or redeployment, in accordance with the principle of applying the provisions more favourable to the local agent in case of discrepancy between the LA-CE and local legislation.</i>	BiH redundancy experience (18 March 2026): no written notification; selection criteria disclosed post-hoc; EVAL used as criterion despite being a development tool; response deadlines of less than 24 hours; financial proposal below local law minimum; vulnerable categories not protected; process legally rejected twice under local law. The EU’s own commitment to be a model employer in candidate countries requires procedural standards that at minimum match those the EU expects of its partner governments. Article 26 is currently skeletal on process. These safeguards codify what any credible employer would do — they do not prevent economic redundancy, they ensure it is conducted lawfully and humanely.

		4. Amicable settlement proposals shall comply with the minimum requirements of applicable local law. Where the AACC imposes a deadline for acceptance, the deadline shall be no shorter than 15 working days.'	
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Amendment A6: Disciplinary measures (Article 25 – revision)

Article	Current text (summary)	Proposed	Justification
C(2019) 5686 Art. 25	<i>Article 25</i> <i>1. No disciplinary measure shall be taken until the member of the local staff has had an opportunity to submit his views. In the case of an oral hearing, the member of the local staff may be assisted, if he so desires, by a person of his choice.</i> <i>2. The disciplinary measure shall be notified to the member of the local staff in writing.</i> <i>3. Disciplinary measures shall be issued by the AACC. Dismissals shall be notified by the AACC to the Chair of the relevant Staff Committee.</i> <i>4. In the event that the AACC starts a disciplinary procedure against a member of local staff for serious misconduct, whether through a failure to abide by professional obligations or through an infringement of the law, the AACC may suspend the member of local staff concerned in accordance with procedures which shall</i>	<i>Amens Article 25 – Disciplinary measures:</i> 1. No disciplinary measure shall be taken until the member of the local staff has had an opportunity to submit his views. The member of the local staff shall be informed in writing of the alleged misconduct, the possible disciplinary consequences and the relevant evidence, and shall be granted a reasonable deadline to submit written observations and, where applicable, to request an oral hearing. <i>In the case of an oral hearing, the member of the local staff may be assisted, if he so desires, by a person of his choice, including a Local Staff Representative or a Staff Representative nominated by the Staff Committee.</i> 2. The disciplinary measure shall be notified to the member of the local staff in writing. The written notification shall state the reasons for the measure, the facts and provisions on which it is based, and the applicable avenues and deadlines for requesting a review or lodging an appeal, where provided	The request for clarification is intended to ensure that the disciplinary procedure applicable to the Local Agent is clearly defined, transparent, and consistently applied at every stage. Clarifications are particularly important to ensure that the procedure provides adequate safeguards for the rights of defence, avoids ambiguity or inconsistent interpretation, and guarantees equal and fair treatment throughout the disciplinary process. They would also provide Staff Representatives and the Local Agent with a clear understanding of their respective roles, rights, and responsibilities before any disciplinary measure is taken. The purpose of raising these questions is therefore not to interfere with the disciplinary process, but to ensure that it is conducted in accordance with clear, predictable, and transparent rules, with appropriate safeguards for all parties concerned. Further clarification is required concerning the hearing and the disciplinary procedure at all its stages, including the applicable safeguards, deadlines, rights of representation, and the number or combination of warnings and

	<i>be established for this purpose by the AACC.</i>	<i>for under the applicable rules.</i> 3. <i>Disciplinary measures shall be issued by the AACC. Dismissals shall be notified by the AACC to the Chair of the relevant Staff Committee. The Staff Committee shall be informed in advance, and at the latest at the same time as the invitation to a disciplinary hearing is sent to the member of the local staff. Such information shall be provided in accordance with applicable confidentiality and data-protection requirements.</i> 4. <i>In the event that the AACC starts a disciplinary procedure against a member of local staff for serious misconduct, whether through a failure to abide by professional obligations or through an infringement of the law, the AACC may suspend the member of local staff concerned in accordance with procedures which shall be established for this purpose by the AACC.</i> 5. <i>Any suspension shall be duly reasoned, proportionate and subject to the applicable procedural safeguards. The member of the local staff shall be informed in writing of the reasons for the suspension and of its duration and shall have access to the applicable review or appeal procedures, where provided for. Detailed implementing provisions shall establish the disciplinary procedure at all its stages, including the applicable safeguards, procedural deadlines,</i>	or reprimands that may lead to the dismissal of the local agent. Regarding disciplinary hearings, the Staff Committees should be informed in advance, and at the latest at the same time as the invitation to the disciplinary hearing is sent to the Local Agent. This would ensure that the Staff Committee is aware of the proceedings from the outset and can provide appropriate support or assistance, where applicable. Local Staff Representatives may assist and participate in disciplinary proceedings. Members of the local staff may also be assisted by a Staff Representative nominated by the Staff Committee.
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		<i>rights of representation and assistance, the involvement of the Staff Committee, and the conditions governing disciplinary hearings. They shall also specify the types and combination of disciplinary measures, including warnings and reprimands, and the circumstances under which such measures may, where applicable, lead to dismissal, in accordance with the applicable legal framework and the principle of proportionality.</i>	
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Amendment A7: Termination of contract — underperformance and incompetency, and severance grant enhancement (Articles 26(2), 26(4) and 33(2) – revision)

Article	Current text (summary)	Proposed amendment	Justification
C(2019) 5686 Art. 26(2) (4); Art. 23(1) (2)	Article 26(2) <i>The contract of a member of the local staff who underperforms or is incompetent in the exercise of his duties may be terminated by decision of the AACC under paragraph 1(b) after the member of the local staff has had an opportunity to submit his views. In the case of an oral hearing, the member of the local staff may be assisted, if he so desires, by a person of his choice.</i> Article 26(4): <i>severance grant of one month's basic salary per year of service, capped at 12 months' basic salary.</i> Article 33(2): <i>identical formula for staff who signed the 2020 addendum.</i>	<i>The contract of a member of the local staff who consistently underperforms or is incompetent in the exercise of his or her duties may be terminated by decision of the AACC under paragraph 1(b), provided that the underperformance or incompetence has been clearly established and that the member of the local staff has been given a reasonable opportunity to improve his or her performance and to submit his or her views.</i> <i>Before any decision to terminate the contract is taken, the member of the local staff shall be informed in writing of the concerns regarding his or her performance or competence and of the consequences that may result if the identified shortcomings are not remedied.</i> <i>In the case of an oral hearing, the member of the local staff</i>	The concepts of “underperformance” and “incompetence” require further clarification and objective criteria. A Code of Conduct applicable to members of the local staff should be established, setting out the professional standards and principles expected of local staff, as well as the types of conduct and professional shortcomings that may constitute a breach of their duties and obligations. The Code of Conduct should provide clear and objective guidance on matters such as professional conduct, performance, competence, integrity, respect, confidentiality, conflicts of interest, and other applicable duties. Any alleged breach of the Code of Conduct should be assessed in accordance with the applicable disciplinary procedure, taking into account the principles of fairness, proportionality and the right of defence. In particular, no

	Amend Article 23(1): The AACC may terminate a contract of employment if, as a result of sickness, invalidity or accident, the member of the local staff is unable to perform the duties set out in the contract for at least six months in any period of twelve months. In such cases, the member of the local staff shall be entitled to receive a severance grant of one month's basic salary, calculated on the basis of his last monthly basic salary, for each year of service plus one twelfth of this amount for each month of service where the final year has not been served in full. The severance grant under this paragraph may not exceed twelve months' basic salary. Article 23(2): allows an exceptional additional grant in countries with weak social security, total not exceeding 18 months.	may, if he or she so desires, be assisted by a person of his or her choice, including a local Staff Representative or a member of the Staff Committees. Amend Article 26(4): 'The severance grant shall be not less than one month's basic salary, at the highest rate earned by the member of local staff during his period of service, for each year of service plus one twelfth of this amount for each month of service where the final year has not been served in full. The severance grant shall not exceed eighteen months' basic salary.' Add to Article 26(4): 'For the purposes of calculating the severance grant, the basic salary shall include allowances forming part of the regular monthly remuneration, excluding those constituting reimbursements for work-related expenses.' Amend Article 33(2) correspondingly: Amend Article 23(1): The AACC may terminate a contract of employment if, as a result of sickness, invalidity or accident, the member of the local staff is unable to perform the duties set out in the contract for at least eight months in any period of twelve months... Amend Article 23(2): In countries where social security affords little protection and taking into account the circumstances of the case, the AACC may decide to authorise an exceptional severance grant in addition to the severance grant under paragraph 1. The sum of the two shall not be higher than the equivalent of 24 months' basic salary. Amend Article 23(3):	disciplinary measure, including termination of contract, should be imposed without the member of the local staff having been informed of the allegations and given a genuine opportunity to submit his or her views. The 12-month cap was inherited from the 1990 Framework Rules and is inadequate for staff with 20+ years of service in countries where unemployment at 50+ means years without work. The Western Balkans Delegations' redundancy experiences demonstrate the real-world impact: colleagues with decades of service receive severance that may not cover 12 months of living expenses, with no prospect of comparable reemployment. Article 23(2) already recognises the 18-month threshold for termination due to incapacity. Economic redundancy — where the employer eliminates the post — merits at least equivalent treatment. We propose extending the qualifying period from 6 to 8 months. Under paragraph 2, the combined amount of the ordinary and exceptional severance grants should not exceed 24 months Paragraph 3 should be amended accordingly and should also expressly ensure the continuation of the Local Agent's medical benefits, so that the person does not lose medical coverage during a serious health situation. Article 33: The maximum severance grant should be increased from 12 to 18 months
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		<i>If the contract of employment of the member of the local staff who is incapacitated for work has not been terminated after reaching the eight months set out in paragraph 1, the rights of the member of the local staff shall be managed in accordance with the rules applicable to unpaid leave. Notwithstanding the foregoing, the member of the local staff shall retain access to the applicable medical benefits and health insurance coverage during the period of incapacity, in accordance with the applicable rules and conditions, so as to ensure continuity of medical coverage during a serious health situation.</i> <i>Amend Article 33(2):</i> <i>‘A member of the local staff who signs the addendum under paragraph 1 shall, upon termination of contract under Article 26(1)(b) and (c) and excluding a termination of contract under Article 24(1) or 26(2), be entitled to a severance grant if he has completed at least three years of service. This severance grant shall be not less than one month's basic salary, at the highest rate earned by the member of local staff during his period of service, for each year of service plus one twelfth of this amount for each month of service where the final year has not been served in full. The severance grant under this paragraph may not exceed 18 months' basic salary.’</i>	
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Amendment A8: Equal treatment and sunset clause for legacy contract frameworks (Article 33 – revision)

Article	Current text (summary)	Proposed amendment	Justification
C(2019) 5686	<i>Article 33(4): staff who did not sign the 2020</i>	<i>Add new Article 33(5):</i>	On 18 March 2026, BHR.5 acknowledged that a critical

Art. 33 (transitional provisions)	<i>addendum remain governed by the Framework Rules 1990 and their Delegation-specific SCE, which continue to have legal effect under private law.</i> <i>Three legal bases coexist: SCEs (pre-2020), LA-CE (post-2020 signatories), and the future unified instrument.</i>	<i>‘With effect from [36 months after entry into force of this revision], all members of the local staff shall be governed exclusively by this Decision as revised. Members of the local staff who have not previously signed the addendum under paragraph 1 shall be offered a further opportunity to do so within six months of the entry into force of this revision, on terms no less favourable than those offered in 2020.</i> <i>Where the provisions of the revised Decision are less favourable than the provisions currently applicable to the member of the local staff, the more favourable provisions shall be preserved as individual transitional entitlements for the remaining duration of the employment contract.’</i>	mass under unified conditions is needed before comprehensive reform can proceed. The continued coexistence of three legal bases is the primary obstacle. Equal treatment for equal work is a fundamental principle of EU employment law. Colleagues performing identical functions in the same Delegation should not receive materially different severance, leave, or social security entitlements based solely on their contract date. The no-regression principle protects acquired rights while enabling unification.
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Amendment A9: Paternity leave and parental leave (Article 16 – new paragraphs)

Article	Current text (summary)	Proposed amendment	Justification
C(2019) 5686 Art. 16 (new §6–8)	<i>Article 16 provides maternity leave (minimum 20 weeks) only. No provision exists for paternity leave or parental leave.</i> <i>Officials and contract agents receive paternity leave (10 days) and parental leave (up to 6 months per child) under the Staff Regulations.</i>	<i>Add Article 16(6):</i> <i>‘Upon the birth or adoption of a child, the other parent among the local staff shall be entitled to paid paternity leave of not less than 10 working days, to be taken within the first three months following the birth or adoption.’</i> <i>Add Article 16(7):</i> <i>‘Each parent among the local staff shall be entitled to unpaid parental leave of up to six months per child, to be taken before the child reaches the age of 12. During parental leave, the member of the local staff shall retain affiliation to social security schemes adopted under Article 121 of the CEOS. The AACC shall determine the conditions for the exercise of parental leave,</i>	The absence of paternity and parental leave for LAs is a straightforward equal treatment gap. LAs perform equivalent functions alongside officials and CAs who benefit from these entitlements. The EU’s Work-Life Balance Directive (2019/1158) establishes minimum standards for paternity and parental leave across Member States. The EU institutions should at minimum apply these standards to their own staff. Unpaid parental leave with social security continuity is cost-neutral for the employer while protecting the member’s health coverage and provident fund accumulation.

		<i>including notice periods and return-to-work guarantees.'</i> Add Article 16(8): <i>'Members of the local staff shall not be subjected to any disadvantage in their employment on grounds of having exercised or applied to exercise the rights under paragraphs 1, 6, or 7.'</i>	
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Amendment A10: Special paid leave framework (Article 14 – revision)

Article	Current text (summary)	Proposed amendment	Justification
C(2019) 5686 Art. 14	Article 14: <i>'In exceptional cases and for duly substantiated reasons, special paid leave may be granted for a short period by the AACC.'</i> No minimum catalogue of life events. Full discretion resides with the AACC. Expatriate staff benefit from a detailed catalogue (marriage, birth, bereavement, etc.) under the Staff Regulations.	Amend Article 14: <i>'1. Special paid leave shall be granted by the AACC in the following circumstances: (a) marriage or registration of partnership of the member: 4 days; (b) birth or adoption of a child: covered under Article 16(6); (c) death of spouse or registered partner: 4 days; (d) death of a relative in the first degree (ascending or descending line): 3 days; (e) serious illness of spouse, registered partner, child, or relative in the ascending line: up to 3 days per event; (f) moving house at the place of employment: 2 days.</i> <i>2. In addition to paragraph 1, special paid leave may be granted for duly substantiated reasons not listed above, at the discretion of the AACC.'</i>	The current text gives LAs no predictability: identical life events may be treated differently across Delegations depending on the Head of Delegation's discretion. A minimum catalogue does not constrain the AACC's residual discretion under paragraph 2 but ensures baseline dignity and equal treatment across the network. The proposed entitlements are modest and mirror the minimum provisions available to other categories of Delegation staff.

Amendment A11: Evaluation system: purpose, limits, and safeguards (Article 10 – revision)

Article	Current text (summary)	Proposed amendment	Justification
C(2019) 5686 Art. 10	Article 10: <i>'The AACC shall evaluate the performance of the member of the local staff.'</i> No further detail on purpose, method, or limits of use.	Amend Article 10: <i>1. 'The AACC shall evaluate the performance of members of the local staff through a regular appraisal process. The appraisal shall be conducted at least</i>	BiH redundancy (18 March 2026): EVAL was used as a selection criterion despite being designed as a non-mandatory development tool producing average scores, with 'exceptional' ratings reserved

		<i>annually and shall assess ability, efficiency, and conduct in the service.</i> 2. <i>The appraisal process shall be transparent, based on pre-established and communicated criteria, and include an opportunity for the member of the local staff to comment on the assessment before it is finalised.</i> 3. <i>An appraisal tool designed for developmental purposes and calibrated to produce average scores shall not be used as a comparative selection criterion for economic redundancy, step deferral under Article 9(4), or any other adverse employment decision, unless the tool has been specifically adapted and validated for that purpose.'</i>	exclusively for promotion purposes. Using a development tool as a redundancy filter retroactively penalises staff who received honest, calibrated assessments and rewards those whose managers inflated scores. Paragraph 3 does not prevent performance-based selection — it prevents misuse of tools not designed for that purpose.
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Amendment A12: Appeal mechanism strengthening (Article 28 – revision)

Article	Current text (summary)	Proposed amendment	Justification
C(2019) 5686 Art. 28(3)–(4)	Article 28(3): AACC shall notify its reasoned decision within three months; absence of reply = implicit rejection. Article 28(4): AACC decision is considered final. Reconsideration only on new facts, within 12 months. Article 30: Disputes may be referred to local courts after exhausting internal procedures — but diplomatic immunity often renders this illusory.	Amend Article 28(3): <i>'The AACC shall notify its reasoned decision to the member of the local staff within three months. The decision shall set out the factual and legal grounds for the outcome. On expiry of this period, the absence of a reply shall be deemed an implicit rejection, and the member of staff may proceed to the next stage.'</i> Add Article 28(4a): <i>'Before referring a dispute to the court having jurisdiction under Article 30, a member of the local staff may request mediation. The AACC shall designate or engage a qualified mediator within 30 days of the request. The</i>	Diplomatic immunity in many host countries renders Article 30 access illusory. LAs thus lack effective external remedy — incompatible with the principle of effective judicial protection. Mediation provides an intermediate step that resolves disputes without court proceedings, reducing costs and time for both parties. The requirement that the AACC's decision be genuinely reasoned (not merely notified) is a minimum due process standard.

		<i>mediation process shall be completed within 60 days. A staff representative may accompany the member of the local staff during mediation.'</i>	
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Amendment A13: Harassment protection in diplomatic contexts (Article 29 – revision)

Article	Current text (summary)	Proposed amendment	Justification
C(2019) 5686 Art. 29	<i>Article 29(1): LAs who are victims of harassment may undertake legal actions under national law. If the harasser is also a LA, national courts are competent.</i> <i>Article 29(2): LAs shall have access to procedures and tools provided by the AACC.</i> <i>No provision addresses the situation where the alleged harasser is an expatriate staff member shielded by diplomatic immunity.</i>	<i>Add Article 29(3):</i> <i>'Where the alleged harasser is a member of the expatriate staff or a person enjoying privileges and immunities in the host country, the institution shall ensure that the member of the local staff has access to an effective internal investigation and adjudication mechanism. The institution shall consider requesting waiver of immunity where this is necessary for the effective protection of the member of the local staff.'</i> <i>Add Article 29(4):</i> <i>'The AACC shall ensure that the procedures under paragraph 2 are published, accessible in the working languages of the Delegation, and include clear timelines for each stage. Members of the local staff who report harassment in good faith shall be protected against retaliation.'</i>	The immunity gap creates a category of LA who cannot access any effective remedy against harassment by expatriate staff. This is a protection deficit, not a jurisdictional technicality. The zero-tolerance policy on harassment that the EU promotes in its external relations must apply equally within its own Delegations. Whistleblower protection for good-faith reporting is standard practice and costs nothing to implement.

Amendment A14: Duty of care in security and emergency situations (Article 8(7) – revision)

Article	Current text (summary)	Proposed amendment	Justification
C(2019) 5686 Art. 8(7)	<i>Article 8(7): 'The AACC shall adopt guidance policies to assist Delegations in exercising their duty of care towards the local staff in security and emergency situations, within the limits of</i>	<i>Amend Article 8(7):</i> <i>'The AACC shall adopt guidance policies to assist Delegations in exercising their duty of care towards the local staff in security and emergency situations. These policies shall include, at minimum: (a) continuation of salary and social security affiliation</i>	COVID-19 and ongoing security crises in several Delegation locations have demonstrated that LAs bear equivalent risks to expatriate staff but without equivalent institutional protection. The Teleworking decision already recognises force majeure telework (Article 5). This

	<i>national and international law.'</i> <i>No concrete entitlements for LAs in crisis situations.</i>	during security-related office closures or evacuations; (b) post-crisis psychological support accessible to all local staff; (c) inclusion of local staff in Delegation security planning and communication protocols (d)additional or emergency leave, and the possibility of temporary telework or relocation outside the country when security conditions so require. The provisions should also cover any necessary flexibility regarding working arrangements, travel and accommodation during periods of very high security risk.	amendment completes the framework by addressing the employment consequences. Salary continuation during office closures is already practised de facto; codifying it removes discretionary risk. (e) specific measures for Local Agents serving in countries experiencing active armed conflict, including adjusted working-time arrangements during periods of active hostilities (for example when strikes occur at night), access to psychological and trauma support, and additional leave or the possibility of telework or relocation outside the country.
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Amendment A15: Enforceable periodic review (Article 32(3) – revision)

Article	Current text (summary)	Proposed amendment	Justification
C(2019) 5686 Art. 32(3)	<i>Article 32(3): 'The implementation of this Decision will be assessed at the end of a period of five years following its entry into force. In light of the results of this assessment, this Decision may be reviewed as appropriate.'</i> <i>The five-year assessment was due June 2025 and has not commenced.</i>	Amend Article 32(3): <i>'The implementation of this Decision shall be assessed every five years from its entry into force. The first assessment shall be completed no later than 31 December 2026. The AACC shall present findings to the Inter-Institutional Joint Management Committee and the staff committees party to this Decision within three months of the assessment's completion. Social dialogue on any revision shall commence within six months of the assessment.</i> <i>Where the assessment identifies material failures in employment protection, career development, or procedural fairness, an emergency review may be triggered by the staff committees at any time, requiring a response from the AACC within three months.'</i>	This mirrors the identical amendment in the LAPF proposal (A10) and the LA Medical proposal (A11). The same structural problem — aspirational language with no enforcement mechanism — exists across all four instruments. BHR.5 acknowledged on 18 March 2026 that the obligation is to start an assessment, not complete it by the deadline — but has not started. An enforceable cycle prevents recurrence. The emergency review trigger ensures that members are not held hostage to a five-year cycle when urgent problems arise.

4. Summary of proposed amendments

The table below lists all fifteen proposed amendments. The ‘BHR.5 signal’ column records explicit acknowledgements made at the Joint Meeting of 18 March 2026 where applicable; all amendments require a revised Joint Decision regardless of whether BHR.5 has pre-signalled them.

Ref.		Article(s)	BHR.5 signal (18 Mar 2026)	Evidence basis
A1	General articles: local-law precedence, job-description consent, overtime, maternity, inflation	Art. 3, 5, 7, 11, 16, 17	Not specifically addressed	Local-law consistency; contractual clarity; income and cost-of-living protection
A2	Promotion ceiling reform & transition step	Art. 9(5) (new 5a)	Not yet addressed; transition step ambiguity noted	Long-service career dead-end; network-wide inconsistency
A3	Transparent reclassification framework	Art. 9(6)–(7) (new 7a–7b)	BHR.5 committed to standardised job descriptions; survey endorsed; DG HR confirmed need for “clear and transparent process” (Ares(2025)6151010)	Misclassification cases raised since 2021; joint survey proposed
A4	Incapacity for work – income protection	Art. 22	Not yet addressed	Social security often under-covers salary and pays late during serious illness
A5	Redundancy procedural safeguards	Art. 26 (new 26a)	BiH concerns heard; no commitment to legislative fix	BiH redundancy: 8 procedural failures documented at plenary
A6	Disciplinary measures – due process	Art. 25	Not yet addressed	Rights of defence and procedural safeguards currently absent
A7	Severance grant enhancement	Art. 26(4); Art. 33(2)	Not yet addressed	12-month cap inadequate for 20+ year service; BiH/Serbia evidence
A8	Equal treatment / sunset clause	Art. 33 (new §5)	BHR.5 acknowledged critical mass needed	Three legal bases; differential treatment for identical work
A9	Paternity & parental leave	Art. 16 (new §6–8)	Not yet addressed	Gap vs officials/CAs; EU Work-Life Balance Directive (2019/1158)
A10	Special paid leave catalogue	Art. 14	Not yet addressed	Full AACC discretion; no predictability across Delegations
A11	Evaluation system safeguards	Art. 10	EVAL misuse raised at plenary	BiH: EVAL used as redundancy criterion; design incompatible

A12	Appeal mechanism strengthening	Art. 28(3)–(4) (new 4a)	Not yet addressed	Diplomatic immunity renders Art. 30 illusory in many countries
A13	Harassment protection (diplomatic contexts)	Art. 29 (new §3–4)	Not yet addressed	Immunity gap; no effective remedy against expatriate harassers
A14	Duty of care in security/emergencies	Art. 8(7)	Not yet addressed; telework force majeure in ADMIN(2026) 20	COVID-19 experience; ongoing security crises
A15	Enforceable periodic review	Art. 32(3)	June 2025 deadline acknowledged as passed	Mirrors LAPF A10 and LA Medical A11; structural accountability gap

5. Process commitments sought from BHR.5

In parallel with the substantive amendments, joint OSP requests the following process commitments to be formalised before September 2026:

1. A firm timetable for the 2026 social dialogue: commencement date, indicative number of sessions, and expected timeline for conclusion.
2. Confirmation that staff committees receive BHR.5's internal assessment document (reflecting internal arbitrations on the CoE) at least eight weeks before the first social dialogue session.
3. Finalisation and publication of standardised job descriptions under ADMIN(2020)21/23 before the social dialogue commences, as committed on 18 March 2026.
4. Formal clarification to all affected staff of the promotion count status of the 2020 transition step (Article 33(1) addendum), via HelloAdmin or equivalent channel, before the social dialogue commences.
5. BHR.5 response to the joint CLP-HU / EEAS SC misclassification survey findings within three months of submission.
6. Proactive notification, within two weeks, if the September 2026 start date cannot be met.