

Group Articolo32
European Commission, JRC
Via Enrico Fermi 2749
I-21027 ISPRA

OPEN LETTER TO THE COMMISSIONER FOR BUDGET AND ADMINISTRATION

Subject: Health Protection rights.

Dear Mr. Johannes Hahn,

We are the Group Articolo32, which includes employees and pensioners of the European Institutions. We do not wish to steal your time, but we are obliged to address you a major issue.

The Administration informed us that there is the intention to sign an agreement with the competent Italian ministry to withdraw the present and standard "Tessera Sanitaria (TS)", which ensure the access to the national health service (Servizio Sanitario Nazionale - SSN) to many EU staff resident in Italy, and to replace it with a new TS, having serious limited applications.

We have a lot of doubts about the legality and the appropriateness of this agreement in the form described by Mr. U.M. Moricca, Director of HR.C, and his service to the Ispra/Seville Local Staff Committee on 15/03/2022. However, our repeated attempts to establish a constructive dialogue with the administrative services have been useless. For your information, we attach some of the notes we recently sent to the Commission's services and to the Italian Ministry.

We are surprised to encounter such a reticence, and approach, from our own Administration on this important subject. What is at stake is the health of the individual and of the community; what is at stake are fundamental and constitutional rights; what is at stake are the validity of the Staff Regulations, of the protocols, regulations and procedures of the Commission, and a fair and transparent behaviour, which does not seem to be in place. All that is at stake. The description of the problem has been simplified in "Tessera Sanitaria in Italy", but, as you can see, from the attached documentation, there is much more behind it.

We are unheard, Mr. Commissioner: this is why we address you. You are the highest political instance inside the Commission. We wish to be heard, before mistakes materialise, requiring a long time for their correction, even with the Court's intervention, and at the expenses of the health of employees, pensioners and their families. We want, as well, prevent that, on legal grounds, the image and reputation of our Institutions will be negatively affected.

We have repeatedly called the attention of the administrative services on various items, e.g.

On the health protection rights, which the Italian Constitution (Art. 32) grants to all Italian and non-Italian citizens resident in Italy. It would be a real paradox that all persons living in Italy are obligatory protected by the Art. 32, whilst the same citizens, when Commission's employees, would lose this fundamental, inviolable right. Which employer would on one side offer an insurance to his employees and on the other side sign an agreement with the Member State to reduce the health protection rights guaranteed to all other citizens?

On the JSIS scheme, which is a simple, partial insurance coverage and which cannot diminish the health protection scheme guaranteed by a Member State within its own territory.

On the new, voluntary, "Tessera Sanitaria" proposed by the above agreement to replace the standard one, which has a limited application and e.g. which could not be used outside Italy.

On real cases of colleagues, which, in absence of the standard access to the SSN would be obliged to shoulder heavy expenses for serious pathologies/surgery or to skip them, with possible fatal consequences.

On the possible financial impact of such an agreement, which, according to what told by the administrative services, is still missing. Clearly, all European Institutions' employees should be handled in the same way, i.e. such an agreement shall automatically trigger the signature of other equivalent agreements with all the Member States in which the situation is similar to the Italian one (e.g. Finland, UK etc. etc. – the list is long), but where, at present, the European Institutions' employees and pensioners get both the “standard” access to the local national service and the access to JSIS. In other words, if in those Member States, the Statute, the protocols and the regulations are still properly applied, we do not understand for what unfathomable reasons a change should be introduced in Italy.

On the due release of the standard TS to all employees and pensioners resident in Italy, which have the right to get it, in full respect of the national legislation and of the Staff Regulations. We are not asking for releasing TS to employees and pensioners not resident in Italy.

On the due involvement of the Trade Unions in the process, to guarantee the social dialogue, completely missing until today.

In the few meetings between PMO and the Ispra/Seville Local Staff Committee (this is not the social dialogue), the Administration has provided a few information, insisting on the impossibility to disclose more information until the signature of the agreement; warning there was no way to oppose a Commission's decision; requesting that no minutes should have been written on the meeting; and delivering elusive answers to the questions, only partially addressing some of the fundamental points e.g. those we raised in our annexed letters to DG HR. You may verify our declarations by accessing the video-recorded meeting on 15/03/2022.

The Administration has mostly answered with the refrain “our legal service has established that...”. We are surprised that a Commission's service has taken such a position, oversimplifying a complex juridical situation, where a deep and thorough analysis should have taken place. Furthermore, this position is a change of direction compared to the past, as formally expressed by the Commission's administration on the same subject. We hope you have been informed about that.

If the Italian national service established that the access to the SSN, granted to all citizens resident in Italy, should be denied to the Commission's employees, we expect that the Commission defends us and reminds the Member State that its employees cannot be discriminated just because they are resident in Italy. This is what we expect from the Commission. We do not expect a Commission signing an agreement, impacting thousands of employees and pensioners, without justifications, infringing elementary procedures of the social dialogue, and changing a position which has been kept and formally confirmed for the past 60 years.

Mr. Commissioner, we ask for your intervention. The signature of the above referred agreement should be kept on hold, until a serious, thorough and in-depth analysis (juridical, financial ...) of the problem has taken place, presented to all employees and pensioners with all the due clarifications, explanations and answers.

The principles and the values on which the European Union has been founded have not changed. As employees and pensioners and as European citizens we believe in them. They represent our European strength, the only basis which can ensure an actual progress of the Member States and of the Union as a whole. Let's respect them.

We thank you very much for paying attention to this issue.

Regards

Group Articolo 32
(signed)