



Seniors of the European Public Service

Seniors de la Fonction Publique Européenne

Bulletin

Information bulletin for members of the Association

November 2015

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Many SEPS messages are sent by e-mail.

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**The annual subscription has been increased to
minimum €30**

Decided at the GM of 13 December 2013

Forthcoming General Meeting and Information Meeting – Christmas lunch

IEC / CIE – Overijse Dennenboslaan, 54, 3090 Overijse

Thursday 10 December 2015

Always according to the traditional pattern of 11:00 a.m. to 4:00 p.m.

- 10.15 a.m. sharp. Departure of the bus to Overijse
- 10:45 a.m. Arrival of the bus coming from Brussels
- General Meeting (2016 Budget; nominations)
- Information relating to the SEPS-SFPE
- Christmas lunch (buffet) at Villa CIE Overijse
- Health insurance system information - Relations with the PMO
- Help to retirees. Meeting of volunteers results
- Problems encountered by members
- Questions
- 4:15 p.m. Bus departure for Brussels

**The starting point of the bus Eurobussing will be further clarified
(Email or tel.) to those who have reserved transport Brussels -
Overijse and back** (It takes into account the roadwork of rue de la LOI).

Don't forget to contact the secretariat

- **To reserve your lunch (€30)**
- **To reserve your transportation (€10)**
- **To indicate the number of accompanying persons as well as
their name, nationality**

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Payment for the lunch and the bus can be made in situ or to the SEPS-SFPE (see page 2)

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I. Letter from the Editor

The committee of SEPS-SFPE wishes to convey its condolences to our French colleagues, and assures them of all its sympathy and compassion.

The majority of members of SEPS-SFPE have not known the war. There are many who have been able to profit of a long period of peace in the countries of Western Europe thanks to the European construction process. Which one of us expected there to be European heads of state who declare "We are at war" or "Those are acts of war" ! Whatever the vocabulary used, we will have to start getting used to living in a climate of uncertainty. We will have to come to terms with this ! Acceptance of a certain compromise between security and liberty is becoming inevitable ! However, the objectives of our association and the way it operates will not be changing.

It is however necessary to give more importance to the third of this Association's objectives, namely that of providing assistance to members. Since several months already there are many pensioners who have asked us for help. Moreover during this period of strict application of the rules of JSIS SEPS-SFPE can claim that its priorities have been inverted: more than the protection of our acquired rights, replies to questions, assistance requested for administrative formalities, advice for introducing complaints, contact with PMO on behalf of members, the supply of forms, attestations and other documents...take up more and more of the time of the few volunteers of the Association.

We need more volunteers willing to help our colleagues, even if they are not at the point of declaring themselves in difficulties at the social services, whose existence we should not

overlook, nor their faculty to respond. A call for volunteers was launched among those members of SEPS-SFPE who have supplied us with an internet address. The responses obtained are encouraging.

Serge Crutzen

II. Adaptation of salaries and correction coefficients from July 2015 to June 2016

1. Adaptation of salaries and pensions

The Eurostat report was published at the end of October 2015¹.

The publication of the OJ should take place just before 15 December to take effect on 15 December² retroactive to 1 July 2015ap**The adaptation , as calculated by Eurostat, comes to 2.4%:**

The adaptation , as calculated by Eurostat, comes to 2.4%:

- SI – Specific Indicator (evolution of the salaries of national civil servants): 101.2
- JBLI – Joint Brussels-Luxemburg Index (evolution of cost of living): 101.2
- Annual update = $(SI \times JBLI/100) - 100 = 2.4144 = 2.4\%$

Given that the value of the specific indicator (SI) is lower than 2% the ‘moderation’ clause does not apply. (cf Annex XI of the Staff Regulations)

Given that the forecast for GDP is 1.8% the ‘exclusion’ clause does not apply (Annex XI of the Staff Regulations).

The adaptation should therefore be paid at the end of December 2015 with retroactive effect from 1 July 2015.

The Eurostat report is in the public domain since 1 November 2015! However, given that the budgetary implications involved coincide with the budgetary implications relating to the necessary assistance to refugees, the College will need to decide. This decision cannot occur before the inter-service consultation (which needs to take place, even if the method is automatic!). The date foreseen for this meeting of the College is 26 November.

Staff have therefore been asked not to ‘divulge’ this information before 27 November (no tracts or other written documentation) although all active staff are aware!!!

Even if the method is “automatic”, as specified in the Staff Regulations, the adoption of the budgetary implications is not automatic!!! If there is a budgetary problem, there will be a delay in the application of the adaptation. If there is a problem (budgetary or an unfortunate communication) it is the automaticity of the method which is at risk of being compromised.

NB:

It is not acceptable for the staff unions to be obliged to limit communications on a report which has already been made public!!!

¹ Doc A6465/16/02, Eurostat Report on the annual update of remuneration and pensions of EU officials. Global specific indicator; control indicators; changes in the cost of living; correction coefficients. Reference period: Year to 1 July 2015 October 2015

² However, to do this, PMO 4 must have the decisions before end November!

DG HG hopes consequently to change the procedure for the future: the time between the publication of the Eurostat report and the College decision on the budgetary aspects needs to be as short as possible. The inter-service consultation process would be reduced to half a day.

2. Correction coefficients

Eurostat provided the table of correction coefficients in its end of October report.

The correction coefficient for Brussels-Luxemburg = 100

The coefficients applicable to pensions in DK, FR, NL, AT and FI are down; this reduction is between 0.5 and 2.4%. They have increased for IE, SE, MT and UK. For the other Member States of the EU the coefficient, applicable to pensions, has been set at 100.

NB:

- The methodology for the evaluation of the “education” factor has been reviewed.
- There is an on-going attempt, among all the international organisations, to harmonise the methodology used for the calculation of correction coefficients.

Country/City	Coefficients for SALARIES	
	2015/2016	2014/2015
BG Sofia	52.1	55.1
CZ Prague	73.4	75.0
DK Copenhagen	131.8	133.0
DE Berlin	96.6	97.2
Bonn	93.4	94.6
Karlsruhe	93.8	95.0
Munich	106.0	107.7
EE Tallinn	78.0	78.6
IE Dublin	116.6	115.9
EL Athens	79.9	86.8
ES Madrid	90.2	94.5
FR Paris	114.6	116.8
HR Zagreb	74.6	77.6
IT Rome	99.4	100.4
Varese	92.2	93.1
CY Nicosia	77.3	81.2
LV Riga	74.2	76.5
LT Vilnius	69.0	71.4
HU Budapest	69.0	71.4
MT Valletta	84.5	83.4
NL The Hague	107.8	107.8
AT Vienna	105.9	107.2
PL Warsaw	71.8	74.1

Country/City	Coefficients for PENSIONS	
	2015/2016	2014/2015
Bulgaria	53,3(100)	56(100)
Czech Rep.	68(100)	70.5(100)
Denmark	129	131.3
Germany	96(100)	94.6(100)
Bonn	NA	
Karlsruhe	NA	
Munich	NA	
Estonia	79,3(100)	80.1(100)
Ireland	106,5	106.3
Greece	78,7(100)	84.7 (100)
Spain	89,1(100)	90.2(100)
France	104,7	107,1
Croatia	69,8(100)	72.2(100)
Italy	96,7(100)	94.2(100)
Varese	NA	
Cyprus	83,1(100)	85.8(100)
Latvia	71,8(100)	74.8(100)
Lithuania	66,6(100)	71.1(100)
Hungary	62,2(100)	64(100)
Malta	85,8(100)	84.2(100)
Netherlands	104,2	104.7
Austria	102,4	104.4
Poland	63,7(100)	67.6(100)

PT Lisbon	79.2	82.2
RO Bucharest	64.8	69.5
SI Ljubljana	81.2	84.7
SK Bratislava	76.4	79.0
FI Helsinki	119.7	123.0
SE Stockholm	127.9	127.5
UK London	166.9	150.7
Culham	127.7	116.7

Portugal	79,9(100)	85.2(100)
Romania	58,4(100)	63.8(100)
Slovenia	78(100)	81.4(100)
Slovakia	69,9(100)	73.1(100)
Finland	113,3	114.5
Sweden	116,5	115.9
UK	134,7	120.7
Culham	NA	

3. Appeal to the European Civil Service Tribunal (ECST) on the subject of the adaptations for 2011 and 2012

Reminder: During a period of 5 years (2010-2014) the adaptation of salaries and pensions of officials and other staff of the European Union will have been as follows:

- In 2010 the method defined by Art. 3 of Annex XI gave an adjustment of 0.1%
- For 2011 and 2012, the adjustments, respectively of 0% and 0.8%, were the result of a global attempt to resolve the on-going dispute
- For 2013 and 2014, as stipulated by the reform to the Staff Regulations, salaries and pensions were frozen.

The Commission therefore reneged on a custom established for more than 40 years to make proposals based on objective data established on the basis of the evolution of salaries and pensions in the reference Member States. The purely politically motivated proposals of the Commission to the Council and to the Parliament (0.9% for 2011 and 2012) resulted in the above mentioned adjustments, without any form of social dialogue.

An appeal against this double decision has therefore been introduced by the staff unions.

4. Adaptation of salaries for 2011 and 2012: Action by Staff Unions and Pensioners' Associations

On 12 January 2015 the staff unions and the pensioners' associations deposited a highly elaborated appeal against the European Commission at the European Civil Service Tribunal (ECST). This appeal has been presented by 7 applicants:

- Ludwig SCHUBERT, Commission pensioner
- Pierre BLANCHARD, Commission pensioner
- Franco COZZANI, Commission pensioner
- Serge CRUTZEN, Commissioner pensioner (SEPS-SFPE)
- Jean-Pierre PETILLON, temporary agent of the Commission
- Domenico ROSATI, Commission official
- Maryem SADANI, Commission official

Represented by Mr Christophe Bernard-Glanz, Ms Nathalie Flandin and Mr Stéphane Rodrigues, lawyers accredited at the Brussels Bar, members of the legal practice of Lallemand & Legros, situated at Avenue Emile de Mot 19, 1000 Brussels (Belgium).

Since this is an appeal for annulment all the official staff and agents will benefit if the decision taken is in our favour.

The applicants are requesting the following from the Tribunal

- The annulment of the decisions under attack and in as far as may be necessary, also the decisions rejecting their complaint;
- That the Tribunal indicate to the defence the consequences of the annulment of the decisions under attack;
- That it condemns the defence to the restitution of the financial prejudice suffered by the applicants, increased by late payment interest from the date of the judgement to come,
- That it condemns the defence to bear the costs.

The main arguments considered to justify this action were given in detail in the SEPS-SFPE Bulletin of November 2014.

This appeal will be labelled "Ludwig Schubert". It should be noted that Ludwig Schubert (honorary president of AIACE) undertook an major task of preparation for this appeal and assistance to the lawyers. SEPS thanks him for his dedication.

This appeal is currently "waiting" since a parallel, but partial appeal was introduced by a staff union.

Whoever would like to obtain a copy of this appeal (50 pages in PDF format) can request it from the secretariat of SEPS-SFPE (info@sfpe-seps.be)

5. Pensions contribution rates: confirmation

Article 83(2) §4 of the Staff Regulations stipulates that the contribution to the pensions system by active staff and colleagues on invalidity pensions need to be adjusted if the actuarial calculations demonstrate a variation of these contributions by at least 0.25%, either more or less, of basic salary.

The final calculations of Eurostat, for 2015/2016, based on the updating of all the pertinent data, give a variation of 0.1%: given the limit of 0.25%, this new rate will not be considered and the contributions to be made to the pensions system for 2015/2016 will therefore remain that of 2014/2015: 10.1%.

6. Evaluation of the cost of pensions

1) at the request of the Netherlands, an evaluation was undertaken in 2010 on the effects of the 2004 reform on the cost of pensions. In summary, a saving is being made each year as a result of this reform:

- For the year 2059 the saving will amount to €1,047 million
- Over 50 years, the saving is estimated to be €24,785 million

2) A more precise study on the cumulative effects of the reforms of 2004 and 2014 is currently being undertaken by Eurostat. This evaluation will take better account of the staffing parameters, which have become more complex since the introduction of contractual agents. The report is expected to be presented to the Article 83 Working Group in June

2016 (might this herald the starting point for new political posturing on the subject of our pensions???)

The methodology proposed by Eurostat for this detailed evaluation was presented to the group of experts. It is in the process of being assessed.

The report will be presented to the Working Group on Remunerations and to the Staff Regulations Group in July or September 2016.

III. The European Civil Service and Social dialogue – the importance of the unions

Rainer Dumont du Voitel

Our Staff Regulations, that of former officials and other agents of the European Communities, constitutes, since its first version of 29 February 1968, which consolidated the regulations and systems in place before for the staff of each of the three Communities, the identity of our affiliation and our social security until the end of our days. The rather useless staff regulation reforms imposed in 2004 and 2014 by the Member States, in the name of cost savings and efficiency, have fortunately, at least on the legal level, not changed anything in this state of affairs. These reforms have nonetheless impoverished the working conditions of active staff.

The successive enlargements, the increase of euro-scepticism and the renationalisation of certain trends of thought have very radically changed the environment in which European integration needs to be pursued. The future of the Institutions also depends on these trends.

In as far as the more immediate interests of the active staff and the increasing number of retired European civil servant is concerned, we cannot complain too much compared to the other categories of dependant workers in the Member States, who have suffered increased levels of precariousness as one crisis led to another without resolving anything.

The unions, particularly those of the Commission and the Council have been obliged to reposition themselves in relation to all these changes in order to defend, tooth and nail, the acquired rights of the community staff, needing to adjust them as far as possible, but above all to limit the damage. This was not easy since the balance of power was not on their side and the option to agitate for 'better conditions' would have been misplaced, let alone that this approach has already reached its limits.

The fundamental problem in our case and more particularly for the representation of staff in their globality, is tightly linked to the fate reserved for the European Union, this magnificent project which we have served and on which we depend and which is supposed to be a model for cooperation and the safeguarding of peace in the world. But, let us honest, even the so-called irreversible integration of the Continent has remained elusive.

Europe therefore – do we need to say this – is not well. Where she was once seen as a common project with a promising future, in our day she is more often seen as the source of all the miseries, responsible for all that is not going well.

The disappointment of all those who, convinced of the need for a united Europe gave their professional lives to this project, is vast.

The daily reality which confronts us demonstrates that the European spirit has undergone a huge reversal, whereas this spirit may in fact never really have existed. The uneasiness goes well beyond the European project; it expresses itself in an increasing inability to imagine a bright and happy future for our children.

For us, officials and other agents of the European communities, we who find ourselves, more than others, at the centre of all these events, and more particularly those among us who want to act and not simply endure, it is high time to come to grips with ourselves, to remember our reason for being part of these Institutions and the values which made us take part in this adventure, and which we have committed ourselves to defend.

In the same spirit, it would become impossible to defend an European Civil Service and to fight for a more favourable adaptation to our working conditions, if we are no longer interested in the objectives of our Institutions or respective European organisations. This is true for all the staffing categories and all the grades of the hierarchy. It would be aberrant to try to find a solution to this situation by further increasing the number of fixed duration contractuels in our Institutions.

It follows that the staff of the European Institutions can no longer fulfil its objectives and function correctly unless these Institutions succeed in establishing a clear demonstration and acceptance of their usefulness and their existence in the hearts and minds of the European citizens of all the Member States.

The Staff Regulations are clear, it is always the **community interest** which prevails, even as it is accepted that the staff representation and the staff unions in particular are themselves not called upon to make political choices (e.g. on immigration matters or on the financing of a country in difficulties, etc.).

Community allegiance (Article 11 of our Staff Regulations) is an obligation for all community staff members, including the line management staff, the Directors General and the Commissioners, who should even set the good example! This allegiance characterises the European civil service and this system aims to ensure our independence relative to the authorities of the countries of which we are nationals, so that we can serve the interests which are common to all. This principle must always be respected, and it is the duty of the staff representatives to recall this principle to those who might be tempted to stray from it.

What counts above all is the capacity of the Institution to fulfil its mission and to do it well.

The staff representation must assist the AIPN (the Appointing Authority) to ensure the independence of the staff, sustain the team spirit and the motivation by recognising individual capacities and by defining the objectives to be reached. These aspects are too often neglected, for example when pitting colleagues against each other through their

assessment by others, given form in the staff reports and the selection process which is based on them.

Several staff unions should be able to make themselves known where and when necessary as the representative spokesman with greater knowledge than others about the European project, its difficulties and also its possibilities and the means to bring it to fruition with staff that is qualified and motivated.

The need for Staff Unions

It happens more and more often that the staff considers the unions to be of little value, as they were unable to hold off the reforms of 2004 and 2014 and their plethora of measures, as a result of which the European Civil Service is in the process of disintegrating. However, the staff has been able to limit the damages and successfully oppose the desire of the more radical of the Member States. For some segments of the staff there have even been improvements. That said, the civil service was unable to defend itself sufficiently. The Council wanted too many savings, thereby deteriorating the recruitment and working conditions for a long time to come.

It is true that a large number of decisions have been taken without consultation of the staff and its organisations. However the staff unions are waging a daily battle to ensure that the staff is associated in decisions which affect them.

Nevertheless the unions are being reproached with too often fighting each other and being more preoccupied with their representation numbers and the benefits that accrue from that than listening to the staff and their own preoccupations. Yet it is also true that the unions need to fight to survive within a system where the constraints are defined by a framework agreement.

One thing is clear, however; without unions there would be nothing to resist the caprices of politicians whose aims are political and short term and whose European vision is faulty at best. The unions are still a rampart against excesses and abuse. They are also the necessary expression of the democratic game of counter weight. The access of unions (and in more general terms the representation of staff – both active and retired) to social dialogue should be guaranteed by the Appointing Authority to ensure that this counter-weight can indeed express itself and be heard. Without this, this right becomes illusory. It is therefore a right, which should be used wisely by both sides, but is also a right which can easily be lost if one is not ready to fight to have it respected.

Unfortunately, the Institutions seem to forget this principle of social dialogue which should permit the “elaboration of an internal consensus reached on the basis of a common diagnosis which clearly establishes the need for the changes and on the basis of an information process and in-depth consultations with the staff at a very early stage”.

Indeed there is no recent restructuring which has respected this principle sufficiently. We know of no example of a common diagnosis clearly establishing the need for change, the consultation of staff is not at all systematic and staff is informed all too frequently at a stage when all the decisions have already been taken.

Madame Georgieva, Vice-President of the Commission, announced the establishment of a discussion forum open to all and even an on-line discussion with her. This is a good thing, on condition that the social dialogue with the staff unions continues and is not thwarted. The issues are complex and it is often difficult to apprehend their legal implications. It can be instructive to obtain the views of staff members directly, but the representative staff unions, legitimately elected, are better equipped and have the necessary means to both consult the staff, to analyse the situation, and to propose and negotiate amendments or elaborate new texts necessary for social policies and practices in a fashion that is responsible and transparent.

IV. Uncoordinated requirements, hasty decisions by PMO/JSIS, complaints

From discussions with members of the JSIS joint management committee (CGAM).

1. Vote and opinion of the Joint Management Committee on the requirements of JSIS

The Joint Management Committee of JSIS has not been called upon to vote formally to give its agreement, whether on the requirement for fiscal receipts in Belgium, or on the elimination from JSIS of spouses of pensioners, or on the ceilings for excessiveness (for example the ceilings for maternity hospitalisation) proposed by the council of medical practitioners, or on the alleged contents of the new programmes for preventive medicine.

The so-called agreement by members of staff, sent to the College of the Heads of Administration is a subject of controversy within the Joint Management Committee, which has not given a formal opinion on the above subjects.

The Joint Management Committee does not vote to approve the communications of PMO via its Newsletter either.

2. Reimbursements which have not been requested

There are cases where affiliates do not benefit from the 100% reimbursement of hospitalisation expenses despite the fact that they have a right to it (hospital stays of at least 3 days in intensive care, long term hospitalisation). The families are not aware that they have a right to 100% reimbursement of such hospitalisation expenses beyond the cases of recognised severe illness.

Funeral expenses are only granted if the eligible parties introduce a request. These eligible parties do not always inform themselves about the requests that can be made to PMO.

3. Fiscal receipts on Belgium

The obligations decided by PMO with regard to the fiscal receipts are debatable when viewed against the DGE (general measures for implementation) of July 2007³ and affiliates could object to them, as either they are unable to obtain the document and consequently receive no reimbursement, or the doctor obliges them to pay a higher fee, but the reimbursement ceiling has not been increased.

SEPS-SFPE can provide a model complaint form if the reimbursement is refused for lack of the fiscal receipt in cases where the health care provider has refused to grant one. It is evidently necessary to adapt the form to each individual case.

In the event of a lack of fiscal receipt, SEPS/SFPE could provide assistance for introducing a complaint to the European Civil Service Tribunal in the event a claim has been rejected in accordance with Article 90§2 of the Staff Regulations, even if the amount concerned is modest, as it will serve as jurisprudence for a large number of similar cases. However, several complaints introduced by simple letter to PMO 3 have been resolved.

4. Rejected reimbursement requests

As far as the reimbursement requests for general medical care is concerned, the rejections by PMO are sometimes hasty. If the affiliate does not contest this, too bad for him. If he objects and insists, PMO re-examines the case and sometimes accepts the request for reimbursement. Some affiliates write directly to Mme Georgieva (Vice-President of the Commission) or to the mediator of the Commission to complain. It appears that they quite often find a friendly solution to their problem.

5. On complaints introduced under Article 90§2

According to members of the Joint Management Committee for JSIS PMO frequently accepts a complaint⁴ before it is presented to the JMC; for example, a bill for a surgical intervention in Belgium, paid in cash⁵ without the 'legal' attestation for care provided on the grounds that the operation is not an operation which is reimbursable under the Belgian nomenclature.

Beware about a detail: the delay of 3 months for filing a complaint runs from the moment the file containing the reimbursement breakdown of costs is created with the date and exact time registered on it. It is therefore better to introduce a complaint as a precautionary measure rather than waste several weeks in a dialogue of the deaf and then be too late to introduce the complaint.

³ The DGE of 2007 have abrogated the preceding rules: Article 3, DGE of 2 July 2007: the annexes to the regulations last modified on 26 January 1999 and all the measures for interpretation, the administrative or circular information are abrogated as from the entry into force of the present general measures for implementation.

⁴ Complaint as under Article 90§2 of the Staff Regulations

⁵ It is advisable to pay by bank transfer in order to avoid such a problem

Complaints are examined by the administration and also by the staff representatives of the Joint Management Committee of JSIS (complaints are rendered anonymous).

Affiliates need to understand that it is essential to introduce all of the pertinent documents in a complaint dossier. Too many complaints examined by the Joint Management Committee of JSIS are void of any supporting documentation: no medical report, no cost breakdown, no copy of the reimbursement request, and no copy of the exchange of correspondence. Every complaint requires a complete file. Each person who introduces a complaint must realise that the readers (members of the JMC) of his file know nothing about his case, especially when the file is rendered anonymous, so he must constitute a file that is complete, clear and pertinent. If the complaint is too complicated for affiliates to constitute, then they should seek help.

6. Warning about direct payments

Currently it appears that the reimbursement office is granting direct payment requests without verifying whether the costs are reimbursable. The direct payment requests are handled like simple monetary advances, like a bank overdraft. The bill is paid, then the costs are calculated and a part of the costs are attributed to the affiliate who sometimes discovers with horror that there are a few tens of thousands Euros to be paid. The reimbursement office does not respect the court ruling of De Pretis Cagnodo in which the European Civil Service Tribunal stipulated that the reimbursement office must submit the bills to the affiliate each time there is likely to be excessiveness in order to know the position of the affiliate. PMO advises affiliates to ask for a copy of their bill from the hospital themselves.

7. JSIS breakdown of medical costs reimbursement form

A reimbursement request can comprise several reimbursements resulting in several cost breakdown forms for a single reimbursement request form, which makes traceability more difficult for the affiliate.

A column in the form which specified the percentage level of the reimbursement for each cost listed no longer exists. This percentage gave us a clear indication of the level of reimbursement to which the costs were related, as a function of the rules of the JSIS and especially there where there is a ceiling.

8. Letter of the CSC of the Commission to Vice-President Mrs. Kristaline Georgieva

Ignazio Iacono, president of the Central Staff Committee (CSC) of the Commission submitted a letter to the Vice-President of the Commission which relates the difficulties that affiliates of the JSIS are encountering with the current system.

This letter can be found in Annex 1.

V. The Commission's obligation of concern for the welfare of its pensioners

Is the European administration obliged to provide “kindly attention” to its officials and agents and in particular to its pensioners, who depend for the rest of their lives on the Commission for their social security?

For Georges Vandersanden, *“the salient points of the dispute [of the civil service of the European Union] are, on the one hand, that this dispute places itself in an administrative context characterised most frequently by a wide discretionary margin of appreciation being granted to the Appointing Authority (AIPN – autorité investee du pouvoir de nomination) and on the other hand by the importance granted to the role of the judge (of the Union), who, no doubt more in this particular area than others, needs to arbitrate between the facts, which vary with each case, and the rule of law via an interpretation which needs to respect both the powers of the Appointing Authority and the rights of persons in a context, which, often, approaches that of social rights. This situation, by nature and for reasons of equity, favours recourse to certain general principles in law where fundamental rights, such as the principle of non-discrimination, the principle of legitimate trust, the principle of judicial security, the principle of good administration, the obligation to motivate, the obligatory concern for welfare...”*⁶

The obligatory concern for welfare is entrenched in the European Union civil service, even if it is not explicitly mentioned in the Staff Regulations of officials and other agents. The staff of the Institutions benefit from this obligation that is incumbent upon the administration⁷.

The difficulties that a number of pensioners are experiencing with PMO-JSIS suggest that the Commission's administration does not have the necessary resources to fulfil its obligation for concern for the welfare of its pensioners.

Thomas LIVOLSI, legal translator at the French language translation service of the European Union Court of Justice published a long, very interesting article on the subject of the obligation incumbent on our administrations of concern for the welfare of their subjects: “Le devoir de sollicitude dans le contentieux récent de la fonction publique de l'Union européenne”.

The secretariat of SEPS-SFPE can supply you with a copy on request.

⁶ G. VANDERSANDEN, “La procédure et les voies de recours”, in I. GOVAERE & G. VANDERSANDEN, pp 111-112

⁷ Cf the conclusions REISCHL, presented on 7 October 1982 in the case PLUG/Commission, 191/81, Rec. P 4256

VI. AGE General Assembly 2015 final declaration

Members of AGE Platform Europe⁸ met at the 2015 General Assembly to call on European Institutions, EU Member States, local and regional authorities to mobilise their respective capacities in order to promote and secure the rights of all older women and men residing on their territory. AGE recommendations for policy alternatives speak out against the practices that facilitate rights violations against older people and call for rights-based reforms at local, national and EU levels.

While recognising the importance of the cooperation with EU and national policy makers so far, AGE members urge them to support further open and transparent mechanisms for the engagement of civil society in policy making, in order to address the complex realities faced by older people at grass roots level, and to:

- I. Apply the existing legal framework and monitor its impact on the rights of older people;
- II. Strengthen the legal framework to better protect the rights of older people and eliminate age discrimination; and
- III. Acknowledge older people's rights and ensure they underpin the silver economy to guarantee that its innovation potential is used to meet the specific needs of Europe's ageing populations.

2015 has been a year of major political, economic and social developments in the European Union: the debate about Eurozone's future, the intensive negotiations on the Transatlantic Trade and Investment Partnership (TTIP) or the refugee and migrant emergency which contributed to the humanitarian crisis occurring primarily because of the long lasting political and economic crisis in several countries. The latter issue is urgent. Europe must champion the rights of the most vulnerable, including refugees. The future of the EU depends on its capacity to respect international refugee and human rights law and to apply its own values to all refugees regardless of their country of origin, ethnicity, religion, gender or age.

Looking forward, it is vital that the EU also maintains its focus on the long-term challenges we face, such as demographic ageing, climate change, economic recovery, technological evolution, migration and the fairer distribution of wealth within and among generations and countries. The realisation of everyone's rights relates to each of these challenges, and should be taken into account across all EU and national policies.

⁸ AGE Platform Europe a.i.s.b.l. 111 rue Froissart – B-1000 – Tel. +32 2 280 14 70 www.age-platform.eu – @AGE_Platform EU

A number of binding instruments enshrine rights relevant to older people, such as the European Convention of Human Rights, the International Covenant on Economic and Social Rights and the UN Convention on the Rights of Persons with Disabilities (UNCRPD). Yet many national governments neglect the relevance of socio-economic policies to the fulfilment of their human rights obligations under international and European treaties. Moreover, whereas the European Union proclaims the rights of older people in its Charter of Fundamental Rights and is bound by the UNCRPD, this normative recognition of older people's rights is far from being matched at the level of implementation. It is time for the EU as a whole and national governments to be held accountable for the rights they put on paper but do not put into practice in relation to specific groups.

Two key trends add to widening human rights disparities faced by older people across the EU. Firstly, inadequate investments in goods and services of general interest increase the pressure on older people and their families and highlight the increasing inadequacy of pensions in many countries. Secondly, social inequalities persist among older people, such as the concentration of poverty among older women, tenants, migrants, people with dementia or persons with disabilities – specific groups who already face structural barriers in access to adequate social protection systems. Growing long-term unemployment among older workers will also increase the risk of poverty in older age.

Moreover, ageing populations not only pose challenges for national governments in terms of ensuring adequate pensions or providing affordable and quality health and long-term care services, they are also a rich resource of knowledge, experience and social support as well as offering many business sectors the opportunity to target a growing and potentially rewarding silver economy market.

Claiming our rights as equal citizens, we are equally conscious of our responsibilities and duties. While living longer, we should anticipate an active and healthy older age by adopting healthy lifestyles, learning to keep pace with technological progress, adapting to new working environments, fulfilling our civic duties or participating actively in local communities.

When calling for the respect of older people's rights, AGE members representing parents, grandparents and citizens are equally concerned with the rights of younger generations. In the current context of economic and social crisis younger people also face challenges to study, find work, fully participate in society or live in dignity. In many cases, older people support them financially and emotionally and we wish to work and shape societies together to ensure equal rights and well-being for everyone.

Our common vision is that of an inclusive society for all ages based on equal rights and where social and economic justice is guaranteed within and across generations.

VII. Information – Questions from members

1. Reminder and additional information from PMO⁹

a. Latest developments in the preventive medicine programmes

Because prevention is better than cure, the JSIS offers you the possibility of taking part in health screening programmes. These programmes consist of medical consultations or clinical examinations and are intended to help you avoid disease or limit its effects.

Medicine and medical practices are constantly evolving and the screening programmes have been adapted to reflect this in line with a proposal from the Medical Council. New, less intrusive examinations have now been added. The frequency with which you take part in the programmes has also been revised to ensure better coordination with the annual medical check-up.

Two options are available for the screening programme: you can either make an appointment at one of the JSIS's selected medical centres whose prices have been approved (the bill will then be sent to and paid directly by the JSIS), or undergo the various examinations with the doctors of your choice, in which case the reimbursement will be limited to the prices charged by the approved centres.

Beneficiaries who wish to benefit from the programme should ask for an "invitation" before undergoing the examinations: via JSIS online (as from 01/07/2015); via PMO Contact Online; by phone : +32-2-295.38.66.

You will receive the invitation letter via JSIS Online or via post if you do not use JSIS Online.

To find out more about the procedure, the content of the programmes, reimbursement, etc., go to our pages on My IntraComm-Ext.

Administrative information N° 25-2015 (Changes to health screening programmes for JSIS beneficiaries) was sent to all pensioners

b. PMO Contact or how to contact the PMO

Do you have questions about the reimbursement of medical expenses, do you need a declaration of your income or do you want advice on what to do when your contract runs out? Put these and other questions about your financial rights via PMO Contact (video).

A new function entitled Questions History has been added to the application (ECAS users only). It appears at the top right of every screen and tells you the status of your information request (pending or closed). To read the reply, just click on the question number.

A single point of contact

Out of the different ways of getting in contact with us (PMO Contact, phone, e-mail, letter), make PMO Contact your method of choice. By using this application, you ensure that your

⁹ Newslettr n° 15 of PMO – June 2015

query can be traced and that it will be dealt with by someone in the know, generally within 15 working days.

Putting your question over the phone, sending it by e-mail or contacting staff in the PMO directly will only delay the processing of your request as each contact has to be logged separately.

PMO Contact 'call center' (+32 2 29 97777) (mid-October)

- Average waiting time per call : **2014:** > 20 minutes – **2015:** < 5 minutes
- Average waiting time (in minutes): 09:30-10:00 -> 5,9 10:00-10:30 -> 4,8 10:30-11:00 -> 2,6 11:00-11:30 -> 3,7 11:30-12:00 -> 2,8 12:00-12:30 -> 1,2

PMO Contact 'online'

- Number of tickets : 1^{er} semester **2014: 48.399** – 1^{er} semester **2015: 60.247** -> **(+24,5%)**
- Tickets resolved within 15 working days: 1^{er} semester **2014: 80%** – 1^{er} semester **2015: 84% (Objective is 90%)**
- Percentage of tickets per category
Reimbursements - Invoices : **42,5%**
Cover – Certificates : **13,2%**
Prior authorisation, direct billing, ... : **14,5%**
Health screening : **4,8%**
JSIS online : **3,1%**
Salaries, allowances, pensions, ... : **21,9%**

c. How to send a medical authorisation request or estimate for dental work

JSIS online allows you to submit a request promptly and ensures that it is registered immediately. Using the application means that you don't have to wait for us to receive your envelope by mail or worry that your documents might be lost.

If you don't have access to JSIS online, send all supporting documents to your Settlement Office by mail. You can send us copies and keep the originals.

d. Waiting time for reimbursements (Mid October)

JSIS online is constantly evolving. You can now find the average waiting time for reimbursements according to the method used (by mail or online) and Settlement Office (Brussels, Luxembourg or Ispra).

ON LINE CLAIMS

- o **Brussels:** the average reimbursement time¹⁰ is 21 days
- o **Luxembourg:** the average reimbursement time is 17 days

¹⁰ The average reimbursement time concerns the most standard requests. It may be that some older reimbursement requests are pending for various reasons. (complexity of the request, awaiting missing documents, opinion of the medical officer, etc.)

o **Ispra**: the average reimbursement time is 15 days

PAPER CLAIMS

o **Brussels**: the average reimbursement time is 29 days

o **Luxembourg**: the average reimbursement time is 27 days

o **Ispra**: the average reimbursement time is 18 days

2. Exemption from French social contributions

Hendrik Smets

Vice-President responsible for legal matters

In the Bulletin of September we announced that, following a decision by the Court of Appeal of 26 February 2015 persons subject to another social security system than that of France are exonerated from the social contributions levied on their savings in France or on their income or value-added derived from property they may possess in France.

Even if the JSIS is not considered to be a social security system like that in Member States, the Commission considers that this exoneration should also apply to European officials who contribute to JSIS and not to the French social security system.

The Commission therefore addressed itself directly to the French authorities in order to understand whether France also accepts that this exoneration should apply to affiliates of JSIS.

In a rather inconsistent six pages long letter France gave a negative reply to the Commission's formal request. The latter is planning on relaunching the breach of the law procedure begun in 2013.

Mr J. BEUKENHOUDT, lawyer accredited to the Bar of Brussels, legal adviser at the Commission, when consulted on this subject, informed us that "in the meanwhile, it is important to introduce complaints to contest the social contributions (CSG and CRDS), and possibly ask for assistance from the Commission when confronting the French legal system (administrative tribunal and Council of State).

3. New Chair of the Brussels Local Staff Committee

After lengthy and difficult negotiations with the other staff organisations, Generation 2004 member Łukasz Wardyn has been elected Chair of the Brussels Local Staff Committee (LSC).

G 2004 declares: "*His election is part of a broader agreement which includes also nominations for the Central Staff Committee and general orientations for the work of the LSC.*"

4. New chair of Generation 2004

Following the resignation of Stefan Grech as board member and Chair of the organisation, the Board elected Eckehard Rosenbaum to chair the organisation until the regular election of a new board in 2016.

Message from the new Chair:

“2015 has been marked by an outstanding achievement for Generation 2004. As a result of the success in the elections for the Brussels Local Staff Committee, Generation 2004 has become the biggest staff association in terms of representativity in the European Commission. In this regard, I would like to thank Stefan Grech for his ceaseless efforts and his commitment, without which this success would not have been possible.

Over the coming months and years, we have to transform our newly won strength into tangible improvements for staff:

- The divides created and further deepened by the 2004 and 2014 reforms need to be addressed once and for all. Thanks to the efforts of Generation 2004, the issue is no longer ignored, but viable solutions are still wanting.*
- The appraisal and promotion system is dysfunctional and needs to be overhauled from head to toe to ensure that it is legally sound, feasible and fair.*
- The rapidly expanding number of Contract Agents in the Commission without proper career perspectives and with substantially worse employment conditions further undermines the principle of equal pay for equal work, misuses temporary employment for permanent tasks and creates yet another divide among staff.*
- Last but not least, our pensions are arguably less safe than many believe and we should come up with an answer to that challenge before others do it on our behalf and on their terms.*

These will not be easy tasks, but if we work as we did in the past based on hard facts, comprehensive data and sound analysis, chances are that we will succeed”.

5. Fit@retirement

Sports and physical activity for active and healthy ageing - The Tai Chi example.

Tai Chi is a good example of how physical activities can contribute to active and healthy ageing. Tai Chi is an internal Chinese martial art practiced for both its defence training and its health benefits.

On 18 November, an unusual event was organised at the European Parliament in Brussels, co-hosted by the MEPs Marian HARKIN, Lambert VAN NISTELROOIJ, Heinz BECKER, Alojz PETERLE and Marc TARABELLA.

Szabolcs HORVATH, member of the cabinet of commissioner NAVRACSIC (education, culture, youth, sport) represented the Commission.

This event aimed to highlight the need to support sport and physical activity as a full part of active and healthy ageing. It showcased what EU is doing in the field and proposed future policies and practices to be developed. Choosing the example of Tai Chi was a way to celebrate the 40th anniversary of EU-China relations.

Professional coaches and teachers demonstrated the art of Tai Chi and all participants were invited to try Tai Chi themselves.

VIII. Annexes

Annex 1

Letter from the Commission Central Staff Committee to Vice-president Kritalina Georgieva.

In French only. See annexe 1 of the French version overleaf.

Annexe 2

In memoriam

On 01.10.2015

<i>Name</i>	<i>Birthday date</i>	<i>Pension date</i>	<i>Decease date</i>	<i>Institution</i>
VERGILI Giorgio	24-02-32	01-01-88	22-08-15	COM
L'HERMITE Pierre	13-05-36	01-06-96	24-08-15	COM
BEVERE Elio	09-11-33	01-12-98	27-08-15	COM
SAITAS Constantinos	02-08-43	01-09-08	27-08-15	CES
GAUTHIER Liliane	05-09-39	01-11-00	28-08-15	CM
IUDICA Regina	23-06-31	01-07-96	28-08-15	COM
JEPPESEN Karen	25-10-48	01-11-13	28-08-15	PE

DAL BON Giorgio	07-10-26	01-11-91	29-08-15	COM
HOGAN Ewan	30-12-59	01-01-13	29-08-15	DUB
WACHE Jean-Louis	31-03-21	01-10-83	30-08-15	COM
WILLIAMSON David	08-05-34	01-10-97	30-08-15	COM
PULEJO Massimo	15-12-17	01-01-83	31-08-15	COM
HOFMANN Josef	24-08-34	01-03-90	31-08-15	COM
QUAGLIA Gianpietro	01-03-46	01-01-02	02-09-15	COM
GOELLER Raymond	28-01-33	01-02-93	04-09-15	PE
IVICA-WEBER Maria	19-05-25	01-06-90	04-09-15	COM
BRICHTA Johanna	19-05-21	01-09-85	07-09-15	PE
COTTONE Ernesto	15-11-25	01-12-90	07-09-15	COM
CHIPP Alan	27-09-29	01-12-83	09-09-15	COM
KIRCH Anneliese	14-09-37	01-10-96	11-09-15	COM
SCHMIDT-OHLENDORF Horst	15-03-29	01-04-94	14-09-15	CM
DEPOORTERE Charles	14-02-37	01-08-95	14-09-15	COM
LASZLO Ilona	05-02-23	01-03-77	14-09-15	COM
DESBOIS Yves	17-12-30	01-03-92	14-09-15	COM
WIDER Hartmut	25-03-43	01-04-08	14-09-15	COM
WILHELM Hans	16-01-45	01-11-09	14-09-15	COM
COMBES Claude	18-08-35	01-05-98	15-09-15	COM
KURZ Gerda	04-03-41	01-10-01	20-09-15	COM
LENZ Peter	27-03-38	01-05-94	21-09-15	COM
RETTET François	30-12-32	01-04-97	21-09-15	COM
GOESEELS Paul	14-11-22	01-12-87	22-09-15	COM
LAMBERMONT Els	09-02-23	01-07-81	24-09-15	COM
MAURANDY Christian	07-10-32	01-10-93	26-09-15	COM

On 01.11.20215

<i>Name</i>	<i>Birthday date</i>	<i>Pension date</i>	<i>Decease date</i>	<i>Institution</i>
MULLER Renate	17-02-45	01-08-00	12-08-15	COM
HAFER Angela	25-09-27	01-10-90	16-08-15	COM
TUOMAALA Kimmo	06-06-53	01-07-14	20-08-15	PE

KOOK Margarete	23-07-37	01-05-94	03-09-15	COM
HENZE Georg-Wilhem	04-02-23	01-03-83	09-09-15	COM
OTWAY Harry	23-04-35	01-05-95	21-09-15	COM
FLOCH Anneliese	06-08-24	01-09-84	24-09-15	COM
EMMOT Stephen	26-05-44	01-11-04	25-09-15	PE
BEKKERS-PERETH Lydie	18-07-58	01-07-98	25-09-15	CM
LARSEN Lars	07-04-42	01-05-07	26-09-15	COM
McGREGOR Donald	21-04-46	01-12-04	26-09-15	COM
BESENTHAL Ruediger	04-07-35	01-09-99	28-09-15	COM
MONDELLO Ignazio	12-09-34	01-01-90	01-10-15	COM
VLASSELAER Nicole	06-12-44	01-07-96	01-10-15	COM
FUCHS Maria	30-04-23	01-07-81	02-10-15	CM
PAPS Frans	15-04-29	01-05-94	03-10-15	COM
OFFELE Hartmut	10-09-38	01-10-03	05-10-15	COM
GYSELYNCK Jean	19-04-27	01-05-92	06-10-15	COM
ALVINO Rosetta	26-08-26	01-09-91	06-10-15	COM
CADIEUX Jean-Louis	28-04-31	01-09-93	06-10-15	COM
BEUCHERIE Pierre	12-02-26	01-08-90	06-10-15	COM
SEGALL Claude	20-06-35	01-07-00	06-10-15	COM
TUOMISTO Piia	16-02-68	01-03-07	06-10-15	COM
PERILLEUX Janine	12-04-30	01-11-76	07-10-15	COM
SEGUIN Heinz	19-01-23	01-02-88	15-10-15	COM
GORDON-SMITH David	06-10-25	01-03-87	15-10-15	CM
MISSIR MAMACHI DI LUSIGNANO Livio	27-04-31	01-05-96	16-10-15	COM
WAGNER-TURMES Sophie	16-06-19	01-07-84	17-10-15	PE
DE SADELEER Gabriel	16-12-31	01-10-86	22-10-15	COM
PENSIS Christiane	10-08-37	01-07-88	23-10-15	COM
EGGERT Kurt	06-10-32	01-01-95	25-10-15	COM
CECCHETTO Pietro	28-09-37	01-10-02	25-10-15	PE
FELDHEIM Christiane	18-04-48	01-05-13	26-10-15	COM

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Part 3 (addresses PMO – ADMIN. ...) Edition December 2015

Part 4 (reimbursement forms – RCAM/JSIS) (April 2015)

Supplementary health insurances Edition November 2015

Invlidity allowance and survival pension (Hendrik Smets)

Orphan survivor’s pensions (Hendrik Smets)

EU Officials and taxation (Me. J Buekenhoudt)

Inheritance (Me. J Buekenhoudt)

JSIS Guide (was sent by poste to all pensioners)

Please send these documents to :

Surname.....

First name

Address :
.....
.....

Date : Signature :

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Bureau JL 02 40 CG39,
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GSM: +32 (0)475 472470

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