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The dissolution of the Western European Union (WEU)

The Western European Union (WEU) created by the 1948 Brussels Treaty which was modified in 1954 in the wake of the failure of the European Defence Community (EDC) and whose tasks in the field of defence and security had progressively been taken over by the European Union since the Maastricht Treaty (1992), was finally disbanded on 30 June 2011 after the entry into force of the Lisbon Treaty.

This inevitably raised various legal questions for the staff members of the WEU. The social plan of 2000 that had been applied to 80 staff members (in particular in the Secretariat General in Brussels, the intergovernmental body of the Organisation) and which should have legally been applied to the remaining staff, was replaced in 2010 by a less advantageous one. The so-called “WEU Social Plan 2010” provides only health insurance with less advantageous cover and imposes financial ceilings for compensation payments. Moreover, by accepting it a staff member renounces his right to appeal. Finally, although a transfer of human resources could have accompanied the transfer of competences of the WEU to the EU, the member state governments were not willing to redeploy staff to the European institutions.

The entire staff of WEU considered they were entitled to the terms of the 2000 social plan and therefore lodged an appeal against the terms of the 2010 social plan. The hearing of the Appeals Board was held at the Headquarters of the Assembly of WEU in Paris on 5 May 2011 and the Board’s decision was published on 25 May 2011.

This decision, which is binding upon the Organization as the WEU Appeals Board is a genuine administrative tribunal in spite of its name, confirmed the new Social Plan of 2010. It considered that staff members working for the Assembly in Brussels and staff members working for the Secretariat General in Paris were in objectively different situations that justified different redundancy terms. The staff members based in Paris are now challenging this opinion and have submitted a request for rectification of the decision to the Appeals Board.

This unfortunate outcome seems to confirm the Belgium’s Court of Cassation’s opinion of 21 December 2009 that the WEU Appeals Board does not offer sufficient guarantees of impartiality. Should the outcome of the request for rectification not be satisfactory, WEU staff will have no choice other than to lodge an appeal before national Belgian courts in Belgium or France in the hope that these will effectively consider themselves competent to settle disputes arising between the staff and the dissolved WEU, a possibility the Court of Cassation suggested. In any case, the question of against whom judgments could then be enforced remains an open one.

A new administrative unit has now been set up (under the auspices of the European Union Satellite Centre) to manage WEU residual tasks, in particular to administer remuneration, pension payments and health coverage. To defend their interests in the future, the former staff of WEU have created an Association of Former Staff of WEU.

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Next session of the IOAT: 112th Session, 31 October - 18 November 2011

The Tribunal holds its 112th Session from 31 October to 18 November 2011 at the International Labour Office (ILO), Geneva.

Unless it decides otherwise it will rule on the written submissions alone and hold no hearings.

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