

Making the railway system
work better for society.

DECISION n° 171

of the Management Board of the European Union Agency for Railways on the opt-out from Commission Decision C(2017) 6760 on the general provisions for implementing Article 79 § 2 of CEOS – employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR RAILWAYS,

Having regard to the Regulation (EU) N° 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004¹ (hereinafter referred to as the “Agency Regulation”),

Having regard to the Staff Regulations of Officials of the European Union (hereinafter referred to as the “Staff Regulations”) and the Conditions of Employment of Other Servants of the European Union (hereinafter referred to as the “CEOS”) laid down by Council Regulation (EEC, Euratom, ECSC) No. 259/68², and in particular Title IV of the CEOS;

Having regard to Communication C(2014) 6543 final of 26 September 2014 from Vice-President Šefčovič to the Commission on the guidelines on the implementation of Article 110 § 2 of the Staff Regulations with regard to the implementing rules applicable in the agencies, and in particular Point 2.B thereof,

Having regard to the agreement of the European Commission pursuant to Article 110 § 2 of the Staff Regulations,

After consulting the Agency Staff Committee,

WHEREAS

- (1) On 20.10.2017, the Commission notified the Agency it adopted Commission Decision C(2017) 6760 on the general provisions for implementing Article 79 § 2 of CEOS – employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof. However, Agencies were informed that the Standing Working Party had assessed the above-mentioned decision and had concluded that a model decision for Agencies submitted for ex-ante agreement of the Commission would be necessary as this Commission Decision could not be applicable by analogy to Agencies;

¹ OJ L 138 26.5.2016, p. 1-43.

² Regulation (EEC, Euratom, ECSC) No. 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).

- (2) Pursuant to Article 110 § 2 of the Staff Regulations, implementing rules shall apply by analogy to the Agency. By way of derogation, an Agency may request the Commission's agreement to the non-application of certain implementing rules;
- (3) On 13.12.2017 it was confirmed that the Standing Working Party is preparing a model decision which will be submitted for ex-ante agreement of the Commission and which takes into account the specificities of Agencies. Once the Commission gives the agreement to the model decision, Agencies will be able to adopt the implementing rule based on that model;
- (4) The Staff Committee has been consulted and agreed with the opt-out.

HAS DECIDED AS FOLLOWS:***Article 1***

In view of adopting the ex-ante agreed model decision for Agencies when ready, the Agency shall opt-out from the Commission Decision C(2017) 6760 on the general provisions for implementing Article 79 § 2 of CEOS – employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof.

Article 2 – Date of application

This decision shall take effect on the day following that of its adoption. It shall be published on the Agency's website.

Done at Valenciennes, on 26-02-2018

For the Management Board

The Chairperson
Clio LIÉGEOIS