

Making the railway system
work better for society.

DECISION n° 228

of the Management Board of the European Union Agency on the derogation from the application of Annex to the Decision n° 141 (on the implementation of Telework) as an ERA re-entry measure pertaining to the Corona virus

THE MANAGEMENT BOARD

Having regard to

- 1) *the Treaty on the Functioning of the European Union,*
- 2) *the Regulation (EU) 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 881/2004,*
- 3) *the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS') laid down by Council Regulation (EEC, Euratom, ECSC) No 259/681,*
- 4) *the 'Commission Decision C(2015)9151 of 17.12.2015 on the implementation of Telework in the Commission Departments', and in particular Art. 4 thereof,*
- 5) *the communications issued on the Corona virus by*
 - *the European Commission (in particular the authorities in DG HR)*
 - *the relevant national authorities*
 - *the WHO*
 - *the ECDC*
- 6) *the national laws and regulations adopted in the EU Member States, in particular in France as host country for the ERA premises, imposing precautionary measures against the COVID-19 disease as far as those affect the Agency and its staff*
- 7) *the position of the French government from 19 April 2020 to pursue where it is possible the teleworking after the de-confinement date of 11 May 2020.*

After consulting the ERA Staff Committee,

Whereas

- 1) *Without prejudice to its privileges and immunities and to EU law, the Agency and its staff have the duty to comply with the relevant rules imposed by the relevant (EU) national authorities, in particular in France,*

¹ OJ L 56, 4.3.1968, p. 1.

- 2) *the Agency has the duty to care for its staff and should take into account all precautionary measures the EC and other relevant authorities have been promoting since the beginning of the outbreak of the COVID-19 disease,*
- 3) *The Agency has the duty to anticipate and set up a re-entry plan which guarantees optimal safety working conditions for its staff,*
- 4) *This Decision may be renewed depending on experience gained and on the evolution of the disease and the measures adopted by the Member States, in particular by France.*

HAS DECIDED AS FOLLOWS:

Article 1

To derogate from the application of Annex to the Decision No. 141 of the Management Board of the European Union Agency for Railways on the application of the 'Commission Decision C(2015)9151 of 17.12.2015 on the implementation of Telework in the Commission Departments' (Annex) and:

1. to suspend for 2020 the application of the limit of 60 days foreseen in Article 4 (1) of Annex;
2. to replace Article 4 (3) of the aforementioned Annex by the following text: "Biweekly presence in the office may not, in principle, be less than 5 days, which amounts to 40 hours (i.e. 50 % of 80 hours in a two-week-period) to be applied pro-rata for staff working in a part-time regime; occasional teleworking may be granted in individual cases for a period of consecutive days which exceeds 5 days per two-week-period";
3. to empower the Executive Director to allow occasional telework for longer periods than the ones mentioned in Article 4(1) and (3) of the aforementioned Annex for all or part of the Agency, depending on the evolution of the disease and considering the recommendations or obligations adopted by the French national authorities.

Article 2

This decision applies until 31.12.2020.

Article 3

This decision shall enter into force on the date of its signature and it shall be published on the Agency's website.

For the Management Board

Clio LIÉGEOIS
The Chairwoman