

**DECISION n°72**

**of the Administrative Board of the European Railway Agency adopting the Multi-Annual Staff Policy Plan 2013-15**

THE Administrative Board OF THE EUROPEAN RAILWAY AGENCY,

Having regard to Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency<sup>1</sup> (hereinafter referred to as "the Agency") as amended by Regulation (EC) No 1335/2008 of the European Parliament and of the Council of 16 December 2008<sup>2</sup>, (hereinafter referred to as "the Agency" or ERA);

Having regard to the European Commission Guidelines on Staff Policy Plan in Regulatory Agencies (C(2005) 5304 of 16 December 2005);

Having regard to the Commission advice of 14<sup>th</sup> March 2012 on the Multi-annual Staff Policy Plan 2013-2015 of the European Railway Agency;

Whereas:

1. Establishing a minimum core of common principles as well as a staff policy which is consistent both among the different European regulatory Agencies and between the Agencies and the Commission is a prerequisite for improving working conditions and career development prospects for staff employed by EU agencies;
2. Through the adoption of a Multi-Annual Staff Policy Plan for the next three years the Agency, based on an analysis of the mission and institutional tasks entrusted by its founding regulation, identifies different types posts (long-term and short-term) and associated career profiles. The document serves namely thus to justify the establishment plan to the budgetary authority. Furthermore, it aims at standardising selection procedures, improving opportunities for mobility;
3. The plan is drawn up by the Executive Director and, following consultation of the Commission, is submitted to the Administrative Board for adoption,
4. The Commission's advice has been considered.

HAS DECIDED to adopt the Multi-Annual Staff Policy Plan 2013-15 as set out in the annex to this decision.

Done, on 20 March 2012 *in Lille*

For the Administrative Board

The Chairman

MICHAEL HARTING

Pp Christopher Irwin

Annex: Multi-Annual Policy Plan 2013-15

---

<sup>1</sup> OJ L 164, 30.04.2004, p. 1.

<sup>2</sup> OJ L 354, 31.12.2008 p.51.

## **Multi-annual Staff Policy Plan 2013-2015 for the European Railway Agency**

### **1 - GENERAL OVERVIEW OF THE CURRENT SITUATION OF THE AGENCY.**

#### **1.1 General information on the Agency's activities.**

##### **1.1.1 Description of the agency, its mission and programmed tasks.**

The description from last year, which was taken from the 2012 work programme, is included as annex 1 and remains valid for as far as the legal basis for the Agency's work has remained unchanged. It will however be updated in the draft work programme 2013 to reflect in particular two aspects:

- The demands on the Agency continue to evolve also under the existing legal framework. As the amount of secondary legislation based on Agency recommendations increases and the Agency becomes increasingly well-known within the railway sector, the need for in particular dissemination and training grows as well.
- The network of regulatory agencies has appointed ERA as coordinating agency for the period March 2013 to March 2014. From March 2012 to March 2015 ERA will be member of the troika.

Following an evaluation carried out in 2011, the Commission has announced a proposal for amending the agency regulation in the autumn of 2012. It is not yet clear what the consequences of the amended regulation will be for the Agency (and from when). Even though it seems likely that additional tasks will be given to the Agency, the present plan therefore does not cater for any possible additional needs for human resources.

### 1.1.2 Figures reflecting staff population and evolution.

Staff population (category, grade, function)		Staff population actually filled at 31.12.2010	Staff population envisaged in 2011	Staff population actually filled at 31.12.2011	Staff population envisaged in 2012	<a href="#">Staff population envisaged in 2013<sup>[*]</sup></a>	<a href="#">Staff population envisaged in 2014<sup>[†]</sup></a>	<a href="#">Staff population envisaged in 2015<sup>[‡]</sup></a>
Officials	AD							
	AST							
TA	AD	92	101	97	101	100	100	100
	AST	41	43	43	43	43	43	43
Total AD+AST		133	144	140	144	143	143	143
CA GFIV		2	4	1	4	5	5	5
CA GF III		0	1	0	1	0	0	0
CA GF II		5	7	4	6	5	5	5
CA GFI		2	3	3	3	3	3	3
<a href="#">Total CA<sup>[§]</sup></a>		9	15	8	14	13	13	13
SNE		6	6	6	7	7	7	7
<i>Prestataires de services</i>  <i>(e.g. IT service providers)</i>		4	5,3	5,3	6,5	7	7	7

### 1.1.3 Current annual staff-related expenditure, in absolute terms and as percentage of the overall annual expenditure.

Chapter 11 of the 2012 budget (expenditure relating to staff working at ERA) amounts to € 15.4M (or 59.7%) out of a total budget of € 25.8M.

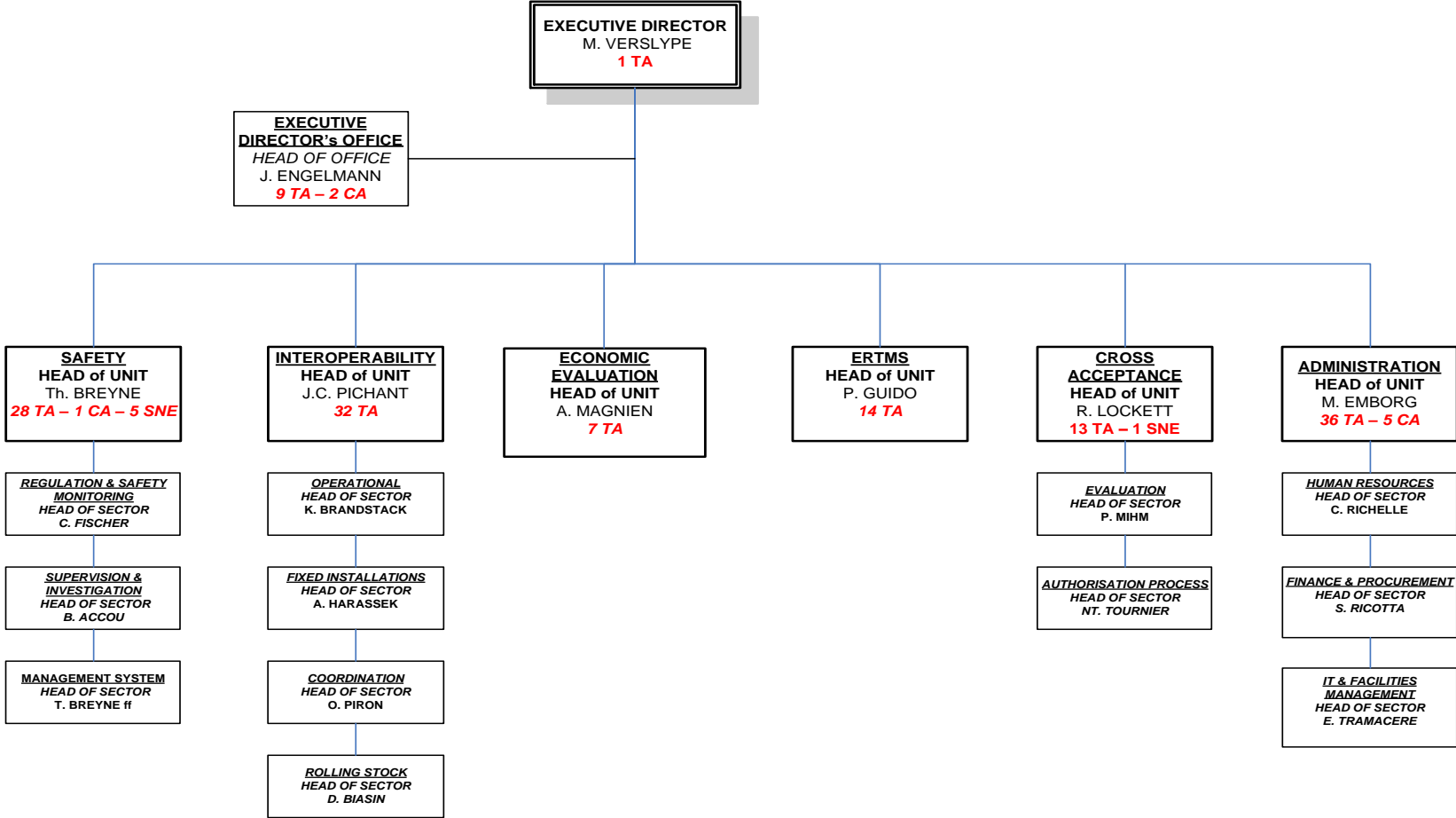
\* The figures for 2013, 2014 and 2015 should reflect the staff cut policy presented by the Commission (to the agency's best estimate).

† Ibidem

‡ Ibidem

§ FTE/headcounts

**1.1.4 Organisation and organisational chart at 3.12.2011.**



## **1.2 General presentation of the staff policy followed by the Agency**

The following general principles guide the application of the legal framework concerning ERA staff:

- As a general rule tasks are carried out by Temporary Agents. The main exceptions are for tasks where it is not clear that they are of a long term nature, tasks which do not require the post holder to have completed secondary education and situations where budgetary constraints do not allow for employing Temporary Agents;
- Temporary and Contract Agents are as far as possible treated in the same way.

In addition, it should be noted that the Agency does not employ officials. However, there are cases where EU officials have been seconded at their own request and have therefore acquired the status of Temporary Agent.

### **1.2.1 The Agency's recruitment policy as regards the selection procedures, the entry grades of different categories of staff, the type and duration of employment and different job profiles**

In order to promote internal mobility, selection procedures for Temporary and Contract Agents are preceded by an internal procedure in order to determine whether there are any qualified existing staff members who are interested in being transferred to the vacant position. See further point 1.2.5. below.

#### 1.2.1.1 Selection procedures

The procedures for selection and recruitment of Temporary Agents, Contract Agents and Seconded National Experts are based on Articles 27-34 of the Staff Regulations and Articles 12-15 of the Conditions of Employment of Other Servants of the European Communities (CEOS), the related Implementing Rules on Temporary Agents and Contract Agents, the Financial Regulation (European Commission and ERA), the Code of Good Administrative Behaviour and the data protection rules.

As nationals of Norway, Iceland and Lichtenstein are eligible for working for ERA, the Agency cannot make use of the general reserve lists established by EPSO.

The selection procedures for the recruitment of **Temporary Agents** and **Contract Agents** are carried out in accordance with ERA Decision N° 251/11.2009 on Temporary Agents in the European Railway Agency and ERA's 'Internal Selection and Recruitment Procedures' concerning Temporary Agents and Contract Agents adopted on 01/07/2009. The General Implementing Provisions on the procedures governing the engagement and use of Contract staff at the European Railway Agency (no 340/11.2010) was adopted on the 9<sup>th</sup> November 2010.

The different steps of the procedure may be summarised as follows:

- The drafting and publication of a **vacancy notice** fixing amongst other specifications, eligibility and selection criteria, type and duration of contract and recruitment grade. ERA publishes on its website, Intracomm and the EPSO website<sup>\*\*</sup>. Vacancies are also

---

<sup>\*\*</sup> ERA is also party to the agreement on the Inter-Agency Job Market but has so far not made any use of the possibility to recruit staff this way.

sent to other EU agencies, members of the Administrative Board, the permanent representations of Member States to the EU and national railway organisations. Vacancies are also promoted through specialised press, when appropriate.

- **Applications** are received only by e-mail.
- A **selection committee** is nominated by the Executive Director and is composed of at least three members including the Head of Unit concerned, a representative from the Administration Unit (usually from the HR Sector) and a representative from the Staff Committee. Exceptionally, experts from outside ERA are invited to be member of a selection committee. The role of the selection committee is to prepare the list of questions and the written test, to select on the basis of eligibility and selection criteria the candidates to be short listed, to conduct the interviews and written tests, to evaluate the replies and decide on the suitability of applicants and make a recommendation to the Executive Director on the applicant (s) to be included in the reserve list of successful candidates. As a general rule, all members of the selection committee will have followed the relevant training offered by DG HR.
- The **compliance with impartiality, confidentiality and transparency of procedures** is monitored by the HR Sector and deviances are transmitted to the Executive Director. For example all members of the selection committee complete a ‘declaration of confidentiality and conflict of interest’ form.
- **Interviews and written tests** are organised by the HR Sector which provides logistic and secretarial support including the scheduling of interviews/test (s), sending invitations to the applicants and responding to queries from invited applicants.
- **Recommendations of the selection committee** are prepared summarising the results of the assessment and drawing up a list of applicants considered suitable for the post. The evaluation sheets signed by the members of the Committee are annexed to the written recommendation.
- The Executive Director adopts a **decision** on the candidates to be entered on the reserve list and any job offers to be made. All candidates are then informed of the result of their application.
- There is **access to information** regarding all stages of the selection procedure for candidates who so request it. Documents are kept by the HR Sector in accordance with the guidelines of the European Data Protection Supervisor.
- A candidate has 20 days to launch an **appeal procedure**. The selection committee has 45 calendar days to reply to requests for appeal.
- **Data is processed** in accordance with Regulation (EC) N°45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies on the free movement of such data.
- The **recruitment procedure** consists of telephone contact with the candidate, confirmation, by e-mail, and exchange of information using the personal data form to calculate monthly salary. The step at recruitment level is calculated, a salary simulation made, and the job offer sent by post. An invitation for a pre-recruitment medical is sent together with a request of the necessary supporting document. A contract of employment is then signed following the receipt of all relevant documentation and a medical ‘fit to work’ certificate.

The procedure applies by analogy to the selection of **Seconded National Experts** with the following exceptions:

- SNEs already in post at the Agency may be members of the Selection Committees for SNE selection only
- SNEs do not necessarily have to pass written tests

- SNEs do not need to provide the same number of supporting documents in view of their secondment to ERA
- SNE do not need to pass the medical visit

Before the secondment of an SNE is finalised, the Agency sends a letter to his/her employer requesting written approval of the secondment and also of the period of secondment concerned (Exchange of letters).

#### 1.2.1.2 The Entry grades for different categories of staff and the length of the contracts

Depending on the function and the level of tasks and within the limits authorised by the establishment plan of the Agency, Temporary Agents are recruited at the following entry grades:

- AST 1 to AST 4 for the function group AST
- AD 5 to AD8 for the function group AD

For managerial posts or highly specialised posts, ERA can engage Temporary Agents at grades AD 9, AD10, AD 11 or on an exceptional basis, at grade AD12.

In the Assistant function group, recruitment at a grade higher than the one provided for above can exceptionally take place on the basis of an analysis of the labour market conditions and the need for particularly experienced staff.

#### 1.2.1.3 Length of contracts

##### *1.2.1.3.1 : Current situation*

#### Temporary Agents

- *Short-term Temporary Agents*

These posts are filled by staff recruited from among experts of the railway sector or, exceptionally, staff employed on administrative, technical, secretarial or implementing tasks of a defined duration or to cover peaks in workload over a limited period.

Short-term Temporary Agents are engaged for tasks of a limited duration. Article 24(3) of Regulation 881/2004 establishing the Agency provides that contractual positions in the operational railway sector are limited to a maximum of five years. However, in order to guarantee continuity of service this provision was amended in 2008 to allow a maximum length of service of eight years during ERA's first 10 years of operation.

Short term Temporary Agents are normally offered an initial contract of four years with the possibility of renewal.

ERA requires an interruption of service of at least six months before it can recruit a short term Temporary Agent who has earlier reached the maximum length of stay at ERA as a short term Temporary Agent.

- *Long term Temporary Agents*

Long term Temporary Agents are engaged for permanent tasks. Staff are employed for long-term administrative, technical, secretarial or implementing tasks.

Long term Temporary Agents are normally offered an initial contract of four years with the possibility of renewal. The first renewal is normally for two years and any further renewals will have to be for an indefinite period. So far ten staff members have been offered a renewal for an indefinite period.

### Contract Agents

- *Short-term Contract Agents*

In accordance with Article 85 of the CEOS, contract staff can be recruited for a fixed period of at least three months and not more than five years. Contract Agents are recruited for their specific competence in different areas of administration (finance, HR, IT, logistics, legal, audit, quality management), in the railway domain or to perform manual or secretarial tasks.

This type of contract is usually used to meet specific needs such as:

- Coping with temporary peaks in workloads;
- Launching pilot projects or new activities whose long-term commitment in terms of staffing is unclear;
- Replacing staff on long-term absences such as maternity leave, long-term sick leave or CCP;
- Unforeseen deficits in staffing levels and budgetary restrictions in overcoming this problem by recruiting Temporary Agents.

Contracts for Contract Agents in function groups II, III and IV are renewed only once, unless the first two contracts cover a period of less than three years. In the latter case, the contract can be renewed to a maximum of three times. The length of contract renewals or the cumulated duration of successive contracts awarded is limited in the same way as for short term Temporary Agents.

An interruption of service of at least six months is required before the Agency can recruit a Contract Agent who has earlier reached the maximum length of stay at ERA.

Where the functions performed turn out to be of a more permanent nature, the Contract Agent post will be replaced by a Temporary Agent post, subject to budgetary availability.

- *Long-term Contract Agents*

Contract Agents in function group I on long term employment can be recruited to perform manual or administrative support duties. In line with the policy for long term Temporary Agents, the initial contract will normally be for four years renewable.

The Agency does not intend to employ long term Contract Agents in function groups II, III and IV.



## Seconded National Experts

In 2009, ERA adopted a decision on the policy and the procedures governing the recruitment and use of seconded national experts in ERA consolidating and simplifying the existing rules (Decision N° 237/2009). SNEs assist ERA staff and cannot perform middle management duties.

SNEs are seconded from their national employer to the Agency's operational units on the basis of their specific competencies and technical expertise in the railway domain.

A possibility to recruit 'cost-free' SNEs also exists where ERA does not pay any allowances or cover any of the expenses related to the performance of their duties during their secondment although ERA has no such SNEs at the moment.

The initial period of secondment may not be less than six months or more than two years. It may be renewed once or more up to a total period not exceeding four years. Exceptionally, ERA's Executive Director may authorise one more extension of the secondment for the maximum duration of one year at the end of the four year period<sup>††</sup>. Each secondment and extension is subject to an exchange of letters. An SNE may be seconded once again provided that the conditions of secondment still exist and a period of at least six years has elapsed between the end of the previous secondment and the new secondment unless the previous secondments lasted for less than four years.

## Trainees

Professional traineeships last between three and five months in accordance with ERA's Decision N°06.2006/2009. This duration is fixed and cannot be changed or extended. Professional traineeships are organised twice per year.

### *1.2.1.3.2 : Review of the current situation*

It has become increasingly clear that the present provision in Article 24(3) of the agency regulation on short term and long term staff is problematic for a number of reasons:

- It is not clear;
- It creates difficulties in terms of business continuity and competency management;
- It has a negative impact on the recruitment and retention of technical staff;
- It is not flexible.

In cooperation with the Staff Committee and after contacts with DG HR, the Agency has therefore presented an alternative text addressing these problems with a view to this being incorporated in the Commission's announced proposal to amend the agency regulation as mentioned under point 1.1.1 above.

---

<sup>††</sup> Article 24(3) of the Agency Regulation limits periods of secondment to a maximum of five years.

#### 1.2.1.4 Different job profiles

##### Temporary agents on long term employment

- Human Resources Officer/Assistant
- Financial Officer/Assistant
- ICT Officer/Assistant
- Secretary

##### Temporary Agents on short term employment

These profiles mainly include professionals from the railway sector on the basis of their specific qualifications and experience.

- Project Officer
- Advisers

##### Contract Agents on long term employment

- Administrative and Logistician Support Agent

##### Contract Agents on short term employment

- Legal officer
- Quality Officer
- Secretary

##### Seconded National Experts

- Project Officer

### **1.2.2 The Agency's policy as regards performance appraisal and promotion/reclassification**

The Agency applies its Decision N°118/04.2008 on “Staff Performance Appraisal at the European Railway Agency” and N°130/06.2008 on “Staff Reclassification at the European Railway Agency”. The fourth reclassification exercise took place in 2011 and 16 members of staff were reclassified.

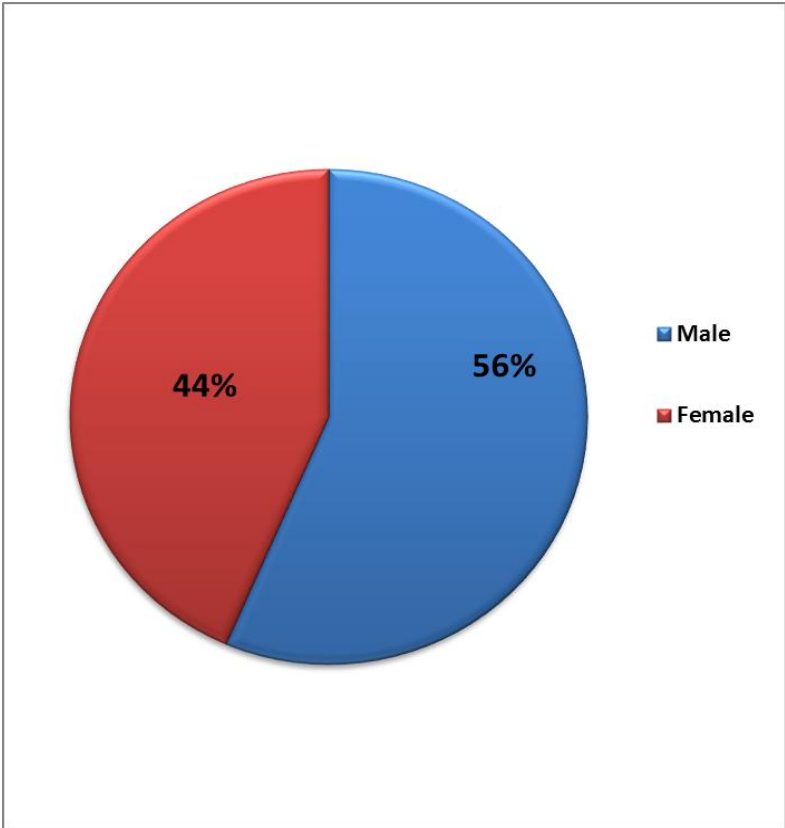
The Agency's reclassification policy complies with the principles established in the Commission's model decision on reclassification of Temporary Agents. There is as of yet no scheme in place for the reclassification of Contract Agents.

### **1.2.3 Statistics and general orientations to promote equal opportunities and concrete measures planned in order to ensure equal treatment among the staff members.**

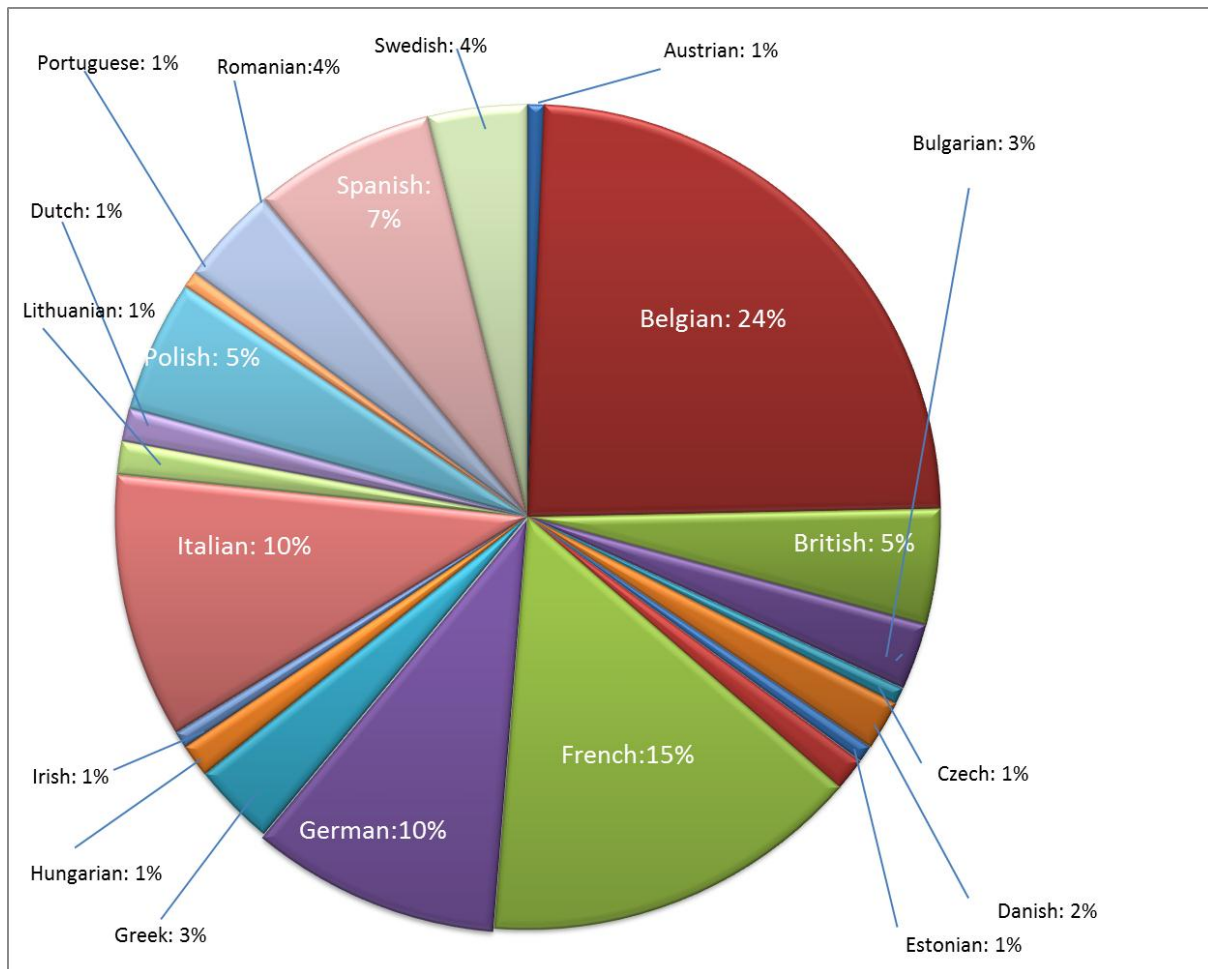
The following non-discrimination notice is included in all vacancy notices:

“Equal opportunities: The European Union takes great care to avoid any form of discrimination in its recruitment procedures”.

Applications are encouraged from all candidates and facilities management is prepared to accommodate people with disabilities. A positive discrimination policy however has not been put in place. There has been an improvement on gender balance since last year. As can be seen from the pie chart, the current figures are 56% male staff and 44% female staff compared to 58% male staff and 42% female staff. These figures include both Temporary Agents and Contract Agents.



## 1.2.4 Statistics on geographical balance.



## 1.2.5 Mobility policy in regard to the different types of employment

### 1.2.5.1 Mobility within the agency

The Agency actively promotes internal mobility but due to the high number of short term staff and the very specific, technical competences of a big part of the staff, internal mobility remains limited.

As from September 2009 before vacant posts are filled, internal candidates are given the chance to declare their interest in the posts. This is done by sending an email to everybody informing about the vacancy. If an existing staff member is interested and found qualified (s)he will be transferred to the vacant post. In addition, the Agency has an annual procedure for promoting internal mobility among secretaries.

Otherwise, ERA members of staff can apply for vacant posts within the Agency in accordance with Decision N°40/12.2006 following their successful participation in a selection procedure. The successful candidates shall undergo a probation period of six months if recruited as Temporary Agents on the basis of a call for interest.

### 1.2.5.2 Mobility among agencies (Inter-agency Job Market)

Many of the support staff who have left ERA have accepted Temporary Agent positions in other agencies. In addition, the recent establishment of a number of new Joint Undertakings in Brussels has led to staff leaving and candidates refusing job offers from ERA. On the other hand, many staff members who took up long-term Temporary Agent positions at ERA come from other EU Agencies. Although ERA has joined the Interagency Job Market, no tangible effect is evident.

### 1.2.5.3 Mobility between the agencies and the institutions

Some posts are filled by staff coming from other European institutions (in particular the Commission), although the number remains small. There have also been some departures due to members of staff passing competitions and attaining the status of officials.

### 1.2.5.4 Tables for 2011 (Temporary agents, contract agents and SNE's)

	2011	
	new staff	departing staff
Mobility within ERA	4	4
Mobility between ERA and other agencies	3	2
Mobility between ERA and the institutions	0	2
Others	14	7
TOTAL	21	15

## **2 - OVERVIEW OF THE SITUATION OVER NEXT THREE YEARS.**

### **2.1 Turnover due to retirement or termination of employment.**

#### **2.1.1 Turnover in the agency because of retirement.**

The forecast based on the application of Article 47 of the Conditions of Employment (CEOS) where 65 is the retirement age is the following:

<b>Year</b>	<b>Forecast number of retirements</b>
2012	1 retirement
2013	3 possible retirements
2014	3 possible retirements
2015	no retirement foreseen

### **2.1.2 Turnover in the agency because of termination of employment.**

The following figures are based on the number of contracts coming to the end of their term over the next three years:

<b>Year</b>	<b>Forecast number of contracts coming to the end of their term</b>
2012	23 among which 5 are not renewable
2013	44 among which 19 are not renewable
2014	43 among which 16 are not renewable, + the Executive Director mandate
2015	17 among which 4 are not renewable

## **2.2 Workload.**

The legal framework necessary for the efficient operation of the shared railway system, including the opening of the internal market in equipment and services for the construction, renewal, upgrading and operation of the rail system is now in place at European level but much remains to be done to achieve the objective of a more competitive railway sector.

In practice, the Railway Undertakings and their suppliers still face numerous problems and obstacles to competitiveness. These problems arise normally from three causes:

- The European framework has not been fully implemented
- The existing national regime has not been removed but remains as an overlay or in parallel with the European framework. This often leads to confusion over roles and responsibilities and duplication of rules, checks and verifications

- The European framework has been implemented differently in each Member State rather than using a common approach
- The responsible actors are not applying the rules.

These problems of transition primarily arise from the need to restructure rules, roles and responsibilities to take account of the migration from a single “closed” system managed by one entity to a regime more like the aviation and road sectors where the system is “shared”. Such systems are managed by many actors, each responsible for their part of the system according to rules, roles and responsibilities laid down by EU law, complemented by national law which respects the European framework.

Close to both the European Commission and the Sector Actors and in its role as “the place where all the actors meet”, the Agency is well placed to facilitate a common approach to the implementation of the framework and to help coordinate the actors’ implementation and problem solving. This can be achieved by dissemination and training, facilitating/co-ordinating the resolution of shared problems, and the production of Technical Opinions.

The TSIs, CSMs, Databases and Registers produced by the Agency are at the heart of the new European framework and the Agency is the face of “Europe” to the Sector Actors involved in Interoperability and Safety. This means that until the framework has been put fully into place in a consistent manner in the Member States, such that the current obstacles to competitiveness have been removed, there is significant reputational risk for the Agency.

Helping to facilitate the migration to the new framework and problem solving is therefore a key activity and a top priority for the Agency. It is essential that this activity is performed by the Agency in close collaboration with all railway actors. To do this, the Agency has created the “Safety platform” which will be the place where all railway actors will be able to exchange information on the efficiency of the already developed Agency measures and on potential safety issues.

Nevertheless, some of this activity cannot be planned because is by its very nature “on demand”. Its timing and subject matter will only be known as and when problems arise (e.g. freight wagon maintenance issues post the Viareggio accident or when the Agency is asked for a Technical Opinion).

Finally, it should be recalled, that ERA will be coordinating agency for one year from March 2013. To this end it is foreseen to dedicate two staff full-time from the beginning of the year and spend an additional 1.5 FTE which will be spread over a number of individuals, including the Executive Director.

### **2.3 Consequences of 2.1. and 2.2. on the number of staff in the agency for the next 3 years.**

Most of the new needs identified for 2013 as a consequence of the above can be covered with existing means. Thus, for example, for the agency coordination 2.5 of the needed 3.5 FTE will be found internally. However, in the key areas of dissemination, vehicle authorisation and agency coordination some additional staff had been identified as requested for 2013. This is detailed further in the tables below.

However, in accordance with the Commission's comments to the draft of this plan, the new posts originally requested are now cancelled.

Under the present legal framework no additional resources are requested for the subsequent years (see further below).

**Temporary agents** (no longer requested)

<b>Unit New posts</b>	<b>Description of tasks to be carried out</b>	<b>Legal basis for new tasks</b>	<b>Comments</b>
<b>Directorate AD8 LT</b>	<b>Senior communication officer</b> Further develop and implement the Agency's communication strategy as an integral part of the overall stakeholder management.	Existing Regulation 881/2004 as amended	Necessary due to the increased dissemination activities which need to be coherent and in line with the Agency's overall communication.
<b>Cross Acceptance AD6 ST</b>	<b>Project officer – Vehicle authorisation</b> Facilitating the evaluation of equivalence of rules and publishing the classified rules, reviewing and reporting on current progress in the simplification of vehicle authorization and prepare recommendations to simplify further the vehicle authorisation.	Arts 17 and 27 of 2008/57 Art 9 of Agency Regulation	Necessary because the Agency's report on vehicle authorisation has revealed that Member States have different interpretations of the European framework for authorisation. They have implemented the European framework not by replacing the national homologation process with the European authorisation process but instead by overlaying the European process thus adding a further layer of complexity.

**Contract agents** (no longer requested)

<b>Unit New posts</b>	<b>Description of tasks to be carried out</b>	<b>Legal basis for new tasks</b>	<b>Comments</b>
<b>Agency Coordination FG IV ST</b>	<b>Administrator</b> To replace one senior member of the administrative staff who will be dedicated to the work for the agency coordination.	Decision of the Network of Heads of Agency of 14 October 2011	Necessary for 1.5 years to partially cover the needs created by the agency coordination.



### **2.3.1 Review of the Agency Regulation**

As stated above in points 1 and 1.2.1.3.2, the Commission has announced that it will present a proposal for amending ERA's founding regulation in the autumn of 2012. Based on the evaluation finalised in 2011, it seems highly likely that the amendment will lead to a bigger role for the Agency and a number of new tasks. Due to the uncertainty as to the exact content of the Commission's proposal, let alone the outcome of the legislative procedure, the resource implications cannot be estimated at present. Consequently, no provision has been made for covering the possible additional needs in the present plan. In any case, it is expected that the implications for 2013 will be negligible.

### **2.3.2 Commitment to reduce staff level**

The Agency is fully committed to comply with any restrictions imposed on it by the budgetary authority as to the staff level.

As far as the operational tasks assigned to the Agency under the present legal framework is concerned, the following should be observed:

The tasks fall in four groups:

- Specific tasks (with deadlines) contained in primary legislation;
- Tasks given to the Agency through mandates from the Commission;
- Tasks which are only described in general terms in the legislation but detailed further in the annual work programmes;
- Requests from third parties, including the Commission, which the Agency is legally obliged to respond to (for example for technical opinions).

Thus, the Agency - and even its Administrative Board - has only got limited influence on the tasks assigned to it. This complicates the overall prioritisation of tasks, something that will become particularly important in times of reduced resources. Throughout its existence, the Agency has experienced a constant growth in the demands placed on it. In the past, these demands have been met by internal redeployment, increased efficiency and increased resources. If, in the future, there will be no additional but even reduced resources, the on-going evolution of the tasks can only be faced if certain, less important, tasks are terminated.

As a consequence, the Agency has initiated the development of a prioritisation model to help identify the tasks which add the least value and contribute the least to the Agency's mission, to make the railway system work better for society.

The number of tasks which the Agency is legally obliged to carry out but which will have to be discontinued or significantly delayed will depend on the severity of the staff restrictions to be imposed on the Agency.

At present, the Agency has not made a plan for which tasks to discontinue to cope with possible reduced staffing in the future. But it is getting itself ready to do so once the exact demands are clear.

### **3. SCHOOLING.**

There is no European School in Valenciennes where the Agency is located and the Agency has no arrangements with any international school in the vicinity. The local schooling system has an international section (English) at college and 'Lycée' level, but the students follow the French curriculum working towards the 'brevet' and the 'baccalaureate' awarded by the French Ministry of Education. There are facilities for international schooling in Lille but many staff members send their children to the European School in Brussels (and for that reason choose to live in Brussels and commute from there).

**4. STATE OF PLAY OF IMPLEMENTING RULES ADOPTED BY THE AGENCY CONSISTENT WITH ITS STAFF POLICY.**

**STATE OF PLAY OF IMPLEMENTING RULES D.D. 06.01.2012**

TITLE	STATE OF PLAY
<p>Decision of the Executive Director of 16.06.05 adopting the following Implementing Rules:</p> <ol style="list-style-type: none"> <li>1. Commission decision on general implementing provisions for Article 4 of Annex VIII to the Staff Regulations concerning the taking into account, for purposes of calculating pension rights, of periods of activity previously completed by staff before they resume active employment (C(2004) 1364 of 15.04.2004)</li> <li>2. Commission decision on general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on transferring pension rights (C(2004) 1588 of 28.04.2004)</li> <li>3. Commission decision on general implementing provisions for Article 26 of Annex XIII to the Staff Regulations on transferring pension rights – transitional provisions (C(2004) 1588 of 28.04.2004)</li> <li>4. Commission decision on general implementing provisions for Article 22(4) of Annex XIII to the Staff Regulations (C(2004) 1364 of 15.04.2004)</li> <li>5. Commission decision on general implementing provisions on granting the household allowance by special decision (C(2004) 1364 of 15.04.2004)</li> <li>6. Commission decision of 15.4.2004 on general implementing provisions concerning persons to be treated as dependent children (Article 2(4) of Annex VII to the Staff Regulations) (C(2004) 1364 of 15.04.2004)</li> <li>7. Commission decision on general implementing provisions for giving effect to Article 7(3) of Annex VII to the Staff Regulations on determining the place of origin (C(2004) 1364 of 15.04.2004)</li> <li>8. Commission decision on general implementing provisions for giving effect to Articles 67 and 68 of the Staff Regulations and Articles 1, 2 and 3 of Annex VII thereto (C(2004) 1364 of 15.04.2004)</li> <li>9. Commission decision on general implementing provisions for the grant of education allowance (article 3 of Annex VII to the Staff Regulations) (C(2004) 1313 of 07.04.2004)</li> <li>10. Commission decision on general provisions giving effect to Article 8 of Annex VII to the Staff Regulations (C(2004) 1588 of 28.04.2004)</li> <li>11. Commission decision on general implementing provisions for Article 42a of the Staff Regulations concerning parental leave (C(2004) 1364 of 15.04.2004)</li> <li>12. Commission decision on Article 42b of the Staff Regulations concerning family leave (C(2004) 1314 of 14.04.2004)</li> <li>13. Commission decision on transitional measures required by the revision of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities (C(2004) 1613 of 28.04.2004)</li> <li>14. Commission decision implementing Article 1d(4) of the</li> </ol>	<p><b>ADOPTED 16.06.2005</b></p>

<p>Staff Regulations (C(2004) 1318 of 07.04.2004)</p> <ol style="list-style-type: none"> <li>15. Commission decision introducing implementing provisions on absences as a result of sickness or accident (C(2004) 1597 of 28.04.2004)</li> <li>16. Commission decision on introducing implementing provisions on leave (C(2004) 1597 of 28.04.2004)</li> <li>17. Commission decision on outside activities and assignments (C(2004) 1597 of 28.04.2004)</li> <li>18. Commission decision on general implementing provisions for Article 2(3) and Article 30 of Annex IX of the Staff Regulations on the conduct of administrative inquiries and disciplinary procedures (C(2004) 1588 of 28.04.2004)</li> </ol>	
<p>The following Commission Implementing Rules have been adopted all together by analogy at ERA on 30/06/2008 (Decision n. 135/06.2008):</p> <ol style="list-style-type: none"> <li>1. IR on Article 9 of Annex VIII to the Staff Regulations of Officials and Article 39 of the Conditions of Employment of Other Servants concerning the early retirement of officials and temporary agents without reduction of pension rights (C(2004) 1588 of 28.04.2004)</li> <li>2. IR on Articles 55a and Annex IVa to the Staff Regulations concerning part-time work (C(2004) 1314 of 14.04.2004)</li> <li>3. IR on Article 55b of the Staff Regulations concerning job-sharing (C(2004) 1588 of 14.04.2004)</li> <li>4. IR on Articles 15, 37 and 40 of the Staff Regulations of Officials and Articles 11, 17 and 88A of the Conditions of Employment of Other Servants concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Communities (C(2004) 1597 of 28.04.2004)</li> <li>5. IR laying down rules on the secondment of national experts to the Commission (C(2006) 2033 of 01.06.2006)</li> <li>6. IR on the reimbursement of medical expenses (C(2007) 3195 of 02.07.07)</li> </ol>	<b>ADOPTED 30.02.2008</b>
<p>Decision ERA/No 103/02.2008 Concerning Criteria Applicable To Classification In Grade And Step On Appointment And Engagement</p>	<b>ADOPTED 12.02.2008</b>
<p>Decision ERA/No 118/04.2008 on Staff Performance Appraisal At ERA</p>	<b>ADOPTED 20.05.2008</b>
<p>Decision ERA/No 119/04.2008 on Staff Reclassification At ERA</p>	<b>ADOPTED 20.05.2008</b>
<p>Decision ERA/No 251/11.2009 on the Procedure Governing The Engagement And Use Of Temporary Agents</p>	<b>ADOPTED 16.11.2009</b>
<p>Decision ERA/No 151/10.2008 on the Appraisal of the Executive</p>	<b>ADOPTED 02.10.2008</b>

Director of ERA	
Missions Guide for Agency staff	<b>SUBMITTED TO THE COMMISSION FOR APPROVAL FOLLOWING ART. 110 OF THE SR ON 22.02 – AWAITING FEED BACK FROM DG HR</b>
General Implementing provisions regarding Middle Management Staff	<b>ADOPTED 10.11.2010</b>
Temporary occupation of Management Posts	<b>ADOPTED 07.06.2011</b>
Rules on setting up the Staff Committee Electoral Rules	<b>ADOPTED 18.03.2011</b>
Decision on protecting the dignity of the person and preventing psychological and sexual harassment	<b>ONGOING</b>
Implementing rules on engagement and use of Contract Agents	<b>ADOPTED 09.11.2010</b>
Decision on the determination of special allowances for staff on standby duty	<b>ONGOING</b>
NEW Implementing rules on engagement and use of Contract Agents including provisions for reclassification for CA	<b>ONGOING</b>
Commission decision on general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on transferring pension rights (C(2011) 1278 of 03.03.2011)	<b>ONGOING</b>
General implementing provisions on the conduct of administrative inquiries and disciplinary procedures	<b>ONGOING</b>

## Annex I

### 1.1.1 Description of the Agency, its mission and programmed tasks

The Agency was established in 2004 to provide technical support in relation to the implementation of Community legislation aimed at improving the competitive position of the railway sector by enhancing the level of interoperability of railway systems and at developing a common approach to safety on the European Railway system. The Agency has been fully operational since the beginning of 2006.

Its offices are located in Valenciennes, France, and in addition the Agency has meeting facilities in Lille.

The Agency has a number of generic roles within its overall objective to

*“contribute, on technical matters, to the implementation of the Community legislation aimed at improving the competitive position of the railway sector by enhancing the level of interoperability of railway systems and at developing a common approach to safety on the European railway system, in order to contribute to creating a European railway area without frontiers and guaranteeing a high level of safety”.*

These are as follows:

The Agency is involved in the **Production of documentation**. This takes the form of recommendations for secondary European legislation such as Technical Specifications for Interoperability (TSIs) or Common Safety Methods (CSM). For the drawing up of these recommendations the Agency has established a number of Working Parties composed of representatives of the Competent Authorities from the Member States and the European Railway Representative Bodies. The Agency normally produces application guidance to accompany the formal text.

The Agency is charged with the **Development and Management of Databases and Registers** related to railway Interoperability and Safety. These include such things as the register of vehicle types the reference document of national rules used for vehicle authorisation and the databases of safety certificates and authorizations. The Agency also provides support and advice to the Commission in respect of the databases of notified national rules managed by the Commission.

As an independent and neutral body of expertise the Agency may be called upon to **Compile Reports and Provide Opinions** upon matters within its competence such as national technical or safety rules and refusals by National Safety Authorities to authorise placing railway sub-systems or vehicles in service or proposals for new measures to manage dangerous goods.

The Agency has a growing role in **Dissemination and Training**. The scope of this activity covers both the broad European legal framework of the Interoperability, Driver Licensing and Safety Directives and the specific texts produced by the Agency.

The above activity also reflects the Agency’s role of **Providing Assistance to the Commission and Member States** in the development, implementation, and monitoring of the framework put in place by the Interoperability, Safety and Driver Licensing directives.

Finally the Agency has a key role as **Facilitator and Coordinator**. It is a neutral venue and “the only place where all the railway actors meet”. In this context it is the ideal forum for development of the understanding of common problems affecting the competitiveness of the railway sector and the building of consensus solutions and a common understanding of priorities.

Broadly speaking this puts the Agency as the de-facto “**Railway System Authority**” for Europe.

The Agency’s activities are focused around 13 activities each of which involves a number of projects. These Activities are:

- Safety Management Systems
- Accident Investigation
- Certification & Regulation
- Monitoring of Safety Performance
- Facilitation of Vehicle Authorisation
- ERTMS System Authority
- Technical Specifications
- Railway Staff
- Shared Databases and Registers
- Monitoring Interoperability
- Promoting a Common Approach to Safety and Economic Evaluation
- Support to Agency Operations
- Agency Management

## Annex II

### Establishment plan posts

Category and grade	Establishment plan 2011		Posts actually filled at 31.12.2010		Posts filled in by external publication in 2011		Promotion / reclassification in 2011		Departures 2011		Posts actually filled at 31.12.2011	
	perm	temp	perm	temp	perm <sup>††</sup>	temp <sup>§§</sup>	perm	temp	perm	temp	perm	temp
AD 16												
AD 15		1										
AD 14				1								1
AD 13												
AD 12												
AD 11		2						+2		-1		1
AD 10		14		6		+1		-2 +4		-1		8
AD 9		25		28		+2		-4 +4		-2		28
AD 8		19		23		+3		-4		-3		19
AD 7		9										
AD 6		28		29		+7		+1		-1		36
AD 5		3		5				-1				4
<b>Total AD</b>		<b>101</b>		<b>92</b>		<b>+13</b>		<b>11</b>		<b>-8</b>		<b>97</b>
AST 11												
AST 10												
AST 9												
AST 8		2		2								2
AST 7		1		1								1
AST 6		3		1		+2						3
AST 5		7		4				+2				6
AST 4		5		5		+1		-2 +1		-1		4
AST 3		6		7				-1 +1				7
AST 2		10		10				-1 +1				10
AST 1		9		11		+1		-1		-1		10
<b>Total AST</b>		<b>43</b>		<b>41</b>		<b>+4</b>		<b>5</b>		<b>-2</b>		<b>43</b>
<b>Total</b>		<b>144</b>		<b>133</b>		<b>+17 *</b>		<b>16</b>		<b>-10*</b>		<b>140</b>

\*those figures include three internal recruitments following external publications

†† †† Recruitment + transfer

§§ All new contracts, including the inter-agency job market



**Annex III**

Grade	Establishment plan 2012			Year 2013											
				Posts evolution						Organisational evolution			Establishment Plan 2013		
				Promotion / Career advancement			Turn-over (departures/arrivals)			New posts (per grade)			Requested (Provisional Draft Budget)		
				PERM	TEMP	TOTAL	Officials		TA	Officials	TA	Perm		Temp	Perm
AD16													0	0	
AD15		1	1										1	1	
AD14													0	0	
AD13													0	0	
AD12													0	0	
AD11		4	4			+1		-3					2	2	
AD10		12	12			-1 +2		-3 +3					13	13	
AD9		27	27			-2 +2		-5 +4					26	26	
AD8		17	17			-2 +2		-3 +7					21	21	
AD7		11	11			-2							9	9	
AD6		27	27			+2		-4 +4			-1		28	28	
AD5		2	2			-2							0	0	
<b>Total AD</b>		<b>101</b>	<b>101</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>-1</b>		<b>100</b>	<b>100</b>	
AST11													0	0	
AST10													0	0	
AST9		1	1			+1							2	2	
AST8		2	2			-1 +1							2	2	
AST7		2	2			-1							1	1	
AST6		2	2			+1							3	3	
AST5		5	5			-1 +1							5	5	
AST4		6	6			-1 +1							6	6	
AST3		8	8			-1 +2		-2 +2					9	9	
AST2		10	10			-2 +1		-1					8	8	
AST1		7	7			-1		-2 +3					7	7	
<b>Total AST</b>		<b>43</b>	<b>43</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>		<b>43</b>	<b>43</b>	
<b>Overall Total</b>		<b>144</b>	<b>144</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>0</b>	<b>24</b>	<b>0</b>	<b>0</b>	<b>-1</b>	<b>0</b>	<b>143</b>	<b>143</b>	

Grade	2013			Year 2014									
	Establishment plan			Staff evolution				Organisational evolution			Establishment Plan 2014		
	Requested (Provisional Draft Budget)			Promotion / Career advancement in global figures		Turn-over in global figures (departures/arrivals)		New posts			Provisional planning		
	PERM	TEMP	TOTAL	Officials	TA	Officials	TA	Perm	Temp - LT	Temp - ST	Perm	Temp	Total
AD16		0	0									0	0
AD15		1	1									1	1
AD14		0	0									0	0
AD13		0	0									0	0
AD12		0	0									0	0
AD11		2	2									2	2
AD10		13	13									13	13
AD9		26	26									26	26
AD8		21	21									21	21
AD7		9	9									9	9
AD6		28	28									28	28
AD5		0	0									0	0
<b>Total AD</b>	<b>0</b>	<b>100</b>	<b>100</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>100</b>	<b>100</b>
AST11		0	0									0	0
AST10		0	0									0	0
AST9		2	2									2	2
AST8		2	2									2	2
AST7		1	1									1	1
AST6		3	3									3	3
AST5		5	5									5	5
AST4		6	6									6	6
AST3		9	9									9	9
AST2		8	8									8	8
AST1		7	7									7	7
<b>Total AST</b>	<b>0</b>	<b>43</b>	<b>43</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>43</b>	<b>43</b>
<b>Overall Total</b>	<b>0</b>	<b>143</b>	<b>143</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>26</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>143</b>	<b>143</b>

Grade	2014			Year 2015									
	Establishment plan			Staff evolution				Organisational evolution			Establishment Plan 2015		
	Provisional planning			Promotion / Career advancement in global figures		Turn-over in global figures (departures/arrivals)		New posts			Provisional planning		
	PERM	TEMP	TOTAL	Officials	TA	Officials	TA	Perm	Temp - LT	Temp - ST	Perm	Temp	Total
AD16		0	0								0	0	
AD15		1	1								1	1	
AD14		0	0								0	0	
AD13		0	0								0	0	
AD12		0	0								0	0	
AD11		2	2								2	2	
AD10		13	13								13	13	
AD9		26	26								26	26	
AD8		21	21								21	21	
AD7		9	9								9	9	
AD6		28	28								28	28	
AD5		0	0								0	0	
<b>Total AD</b>		<b>100</b>	<b>100</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>100</b>	<b>100</b>
AST11		0	0								0	0	
AST10		0	0								0	0	
AST9		2	2								2	2	
AST8		2	2								2	2	
AST7		1	1								1	1	
AST6		3	3								3	3	
AST5		5	5								5	5	
AST4		6	6								6	6	
AST3		9	9								9	9	
AST2		8	8								8	8	
AST1		7	7								7	7	
<b>Total AST</b>	<b>0</b>	<b>43</b>	<b>43</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>43</b>	<b>43</b>
<b>Overall Total</b>	<b>0</b>	<b>143</b>	<b>143</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>143</b>	<b>143</b>