

**Decision of the Management Board 16/2020/MB**

**ON THE NON-APPLICATION OF THE COMMISSION DECISION ON THE  
MAXIMUM DURATION FOR THE RECOURSE TO NON-PERMANENT  
STAFF IN THE COMMISSION SERVICES**

**Adopted by the Management Board**

**on 27 May 2020**

THE MANAGEMENT BOARD,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants ('CEOS') of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>,

Having regard to European Parliament and Council Regulation (EU) No 2015/2219 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA<sup>2</sup>,

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 C(2016)2421 of 26.05.2016,

After informing the staff,

Whereas:

- (1) On 17 December 2013, the Commission informed the CEPOL that it adopted Decision C(2013)9028 of 16 December 2013 amending the Commission Decision of 28 April 2004<sup>3</sup> on the maximum duration for the recourse to non-permanent staff in the Commission services, hereinafter 'Commission Decision C(2013)9028'.
- (2) Pursuant to Article 110(2) of the Staff Regulations, implementing rules such as those referred to in Recital 1 shall apply by analogy to CEPOL. By way of derogation, an agency may request the Commission's agreement to the non-application of certain implementing rules.
- (3) In CEPOL, all temporary staff other than those referred to in Article 2(a) of the CEOS are those referred to in Article 2(f) of the CEOS and all contract staff are the ones referred to in Article 3(a) of the CEOS.
- (4) In CEPOL, temporary agents referred to in Article 2(a) of the CEOS is exclusively the Executive Director of the Agency. As regards the majority of temporary staff in the Agency, namely those referred to in

---

<sup>1</sup>OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p. 15.

<sup>2</sup> OJ L319, 4.12.2015, p.1.

<sup>3</sup> Commission Decision C(2004)1597/6 of 28 April 2004 on the maximum duration for the recourse to non-permanent staff in the Commission services, as amended by Commission Decision C(2011)7071 of 5 October 2011.

Article 2(f) of the CEOS, they do not fall under the scope of Commission Decision C(2013)9028. The same applies to the unique category of contract staff employed in the Agency, namely those referred to in Article 3(a) of the CEOS. Commission Decision C(2013)9028 is therefore not adapted to CEPOL's reality.

- (5) Taking into account the way CEPOL operates, it is not appropriate to set a maximum duration of recourse to non-permanent staff, because such a rule could be detrimental to the functioning of the Agency.
- (6) The Commission has given its ex ante agreement to the non-application of Decision C(2013)9028 to CEPOL.
- (7) Commission Decision C(2013)9028 should not therefore apply to CEPOL

HAS DECIDED AS FOLLOWS:

*Article 1*

Commission Decision C(2013)9028 of 16 December 2013 amending Commission Decision of 28 April 2004<sup>4</sup> on the maximum duration for the recourse to non-permanent staff in the Commission services shall not apply to CEPOL.

*Article 2*

This Decision shall take effect on the day following its adoption.

Done at Tampere, on 29 May 2020

*For the Management Board*

*<< Signature on file >>*

.....  
*Dr. Kimmo Himberg*  
*Chair of the Management Board*

---

<sup>4</sup> See footnote 3.