

Decision of the Management Board 27/2019/MB

**ON THE OPT-OUT FROM THE COMMISSION DECISION C(2019) 4231 OF
12 JUNE 2019 LAYING DOWN GENERAL IMPLEMENTING PROVISIONS
ON THE CONDUCT OF ADMINISTRATIVE INQUIRIES AND
DISCIPLINARY PROCEEDINGS**

Adopted by the Management Board

on 20 November 2019

THE MANAGEMENT BOARD,

Having regard to Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA¹,

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. 259/682²,

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 3.2.1 B thereof,

Having regard to the notification on 17 June 2019 of the Commission Decision C(2019) 4231 of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings

Having regard to Decision 36/2015 of the Governing board of the European Police College concerning the Implementation of Article 110(2) 3rd and 5th indent of the Staff Regulations,

After having informed the staff of the Agency,

Whereas:

- (1) On 17 June 2019, the Commission notified the Agency on the adoption of the Commission Decision C(2019) 4231 of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings.
- (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) The Standing Working Party is in the process of preparing a model decision which will be submitted in the future for the ex-ante agreement of the Commission. The said model decision will be taking into account the specificities of the Agencies compared to the operating environment of the Commission. Once the Commission gives the agreement to the model decision, Agencies will be able to adopt implementing rules based on that model.

¹ OJ L319, 4.12.2015, p.1.

² OJ L 56, 4.3.1968, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The Executive Director is empowered to request the Commission's agreement pursuant to Article 110(2) of the Staff Regulations on the non-application by analogy of Commission Decision C(2019) 4231 of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings.

Article 2

This Decision shall enter into force the day following its adoption.

Done at Tampere, on 20 November 2019

For the Management Board

<< Signature on file >>

.....

Dr Kimmo Himberg

Chair of the Management Board