

Decision of the Management Board 28/2017/MB

On setting up a Common Staff Committee

Adopted by the Management Board

On 04 October 2017

THE GOVERNING BOARD OF THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY AND THE MANAGEMENT BOARD OF CEPOL,

Having regard to Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology¹, as amended by Regulation (EU) No 1292/2013 of the European Parliament and of the Council of 11 December 2013² (hereinafter 'EIT Regulation'), in particular, Section 5 (2) of the Statutes of the European Institute and Technology annexed to the EIT Regulation (hereinafter the 'Statutes');

Having regard to the European Parliament and Council Regulation (EU) No 2015/2219³ of 25 November 2015 on the European Union Agency for Law Enforcement Training (hereinafter 'CEPOL') and replacing and repealing Council Decision 2005/681/JHA;

Having regard to 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 259/68⁴, and in particular Articles 9, 10a and 110(2) thereof, Article 1 of Annex II to the Staff Regulations and Article 7 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 C(2016) 3323 of May 2016,

After consulting the Staff Committee of both Agencies,

and after informing the Staff,

WHEREAS

- (1) The Agency should set up a Staff Committee which should represent the interests of the staff vis-à-vis the Agency.
- (2) A Common Staff Committee [CSC] can be established as a common body by two or more agencies.
- (3) A CSC should perform the functions assigned to it by the Staff Regulations, in particular by Articles 9(3) and 110(2) thereof.
- (4) The agencies should determine the composition and procedure of the CSC in accordance with the provisions of Annex II to the Staff Regulations while, according to Article 9(2) of the Staff Regulations, a derogation regarding membership is possible to take into account the composition of the Agencies' staff.

¹ OJ L97 of 09.04.2008, p.1.

² OJ L347 of 20.12.2013, p.174.

³ OJ L 319, 4.12.2015.p.1

⁴ 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.

- (5) In the interest of clarity and legal certainty, the Decision of 7 March 2013 of the Governing Board of the EIT on setting up a Staff Committee and the Decision of 10 November 2016 of the Management Board of CEPOL on setting up a Staff Committee should be repealed and replaced by this Decision.

HAS DECIDED AS FOLLOWS:

Article 1
Scope

1. A Common Staff Committee (hereinafter 'the Committee') is hereby created.
2. This Decision governs the composition and functioning of the Committee within EIT and CEPOL.
3. The Committee represents staff covered by the Staff Regulations and the CEOS. These staff comprise officials, temporary staff, contract staff and other categories of staff, if any, referred to in Article 1 of the CEOS. Collectively, these staff are hereinafter referred to as 'the staff', unless otherwise specified.
4. [The appointing authority referred to in Article 2 of the Staff Regulations are the EIT Director and the Executive Director of CEPOL.

Article 2
Tasks

1. The Committee shall represent the interests of the staff vis-à-vis EIT and CEPOL and maintain continuous contact between EIT, CEPOL and their staff.
2. The Committee shall contribute to the smooth running of the agencies by providing a channel for the expression of opinion by the staff.
3. The Committee shall bring any difficulty that has general implications concerning the interpretation and application of the Staff Regulations and the CEOS to the notice of:
 - the heads of the agencies as referred to in the acts establishing the agencies (the 'Executive Director' at CEPOL and 'the Director' at EIT, hereinafter 'the Directors'); or
 - other persons designated by the Directors; or, exceptionally,
 - in specific, duly justified cases, the Governing Board of the EIT and the Management Board of CEPOL referred to in the respective acts establishing the agencies.

The Committee may be consulted on any difficulty of this kind.

4. The Committee shall submit to the Directors suggestions concerning the organisation and operation of Agencies' services and proposals for the improvement of staff working conditions or general living conditions.

5. The Committee shall participate in the management and supervision of social welfare bodies set up by Agencies in the interests of their staff. It may, with the consent of the Directors, set up such welfare bodies.
6. The Committee shall be consulted on implementing rules giving effect to the Staff Regulations and to the CEOS before the Governing Board of the EIT and the Management Board of CEPOL referred to in the acts establishing the Agencies decide on their application within the Agencies.
7. The Committee shall exercise any other role provided for in the Staff Regulations, in implementing measures to the Staff Regulations/CEOS and in any act adopted by the Agencies.

Article 3 **Composition**

1. The composition of the Committee, as set out below, shall, as far as possible, reflect the composition of the agencies' staff, in particular as regards the categories of staff⁵.
2. The Committee shall be composed of three full members. Among these:
 - two coming from EIT.
 - one coming from CEPOL.
3. If there are enough candidates, each full member shall have an alternate from the same agency. The alternate member shall replace a full member in the latter's absence.

Article 4 **Term of office**

1. The term of office of the Committee shall be three years.
2. In the event of the Committee collectively resigning or a motion of no-confidence in it being passed, new elections shall be organised within one month.
3. If the Committee's term of office expires before a new Committee has been elected, the sitting members shall remain in office until replaced by the newly elected members. This period shall not be longer than six months.

Article 5 **Membership**

1. The duties undertaken by members of the Committee shall be deemed to be part of their normal service in the Agency. The fact of performing such duties shall in no way be prejudicial to the person concerned.

⁵ Officials and temporary staff in function group AD; Officials and temporary staff in function group AST; Officials and Temporary staff in function group AST/SC; Contract staff; and other types of staff mentioned in Article 1 of the CEOS if any.

2. The term of office of a member of the Committee shall cease upon death, resignation from the Committee, or termination of employment with the Agency.
3. Membership of the Committee does not constitute special grounds for extending a time-limited employment contract.
4. A member of the Committee who changes function group or category of staff during his or her term of office shall remain in office until the term of the Committee expires.
5. Should the term of a full member of the Committee end prematurely, his or her office shall be attributed to the unelected candidate with the highest number of votes at the last election[, from the same list if the electoral rules provide for the possibility of a vote by list.

Article 6 ***Functioning***

1. The Committee shall elect a Chair by a majority of its full members.
2. The Committee shall adopt its own rules of procedure, which shall be notified to the Directors and to the staff. It may also determine the distribution of duties among its members.
3. The Committee shall meet at least two times a year.
4. The Committee and the Directors shall meet at least one time a year and at the request of the Committee or the Directors, at any time on any urgent matter.
5. The Committee shall convene a general meeting of staff at least once during its term of office in order to present a report on its activities and propose its future action plans.
6. Meetings of the Committee shall be competent to transact business only where at least the majority of its full members are present or represented by alternates. If the quorum is not reached, the meeting shall be reconvened by means of a letter or an email sent to all full members and alternates in accordance with the rules of procedure.
7. Decisions shall be taken by a majority of full members present or represented by alternates.

Article 7 ***Consultation***

1. If consulted, the Committee shall have a minimum period of 15 working days to declare its position on relevant matters.
2. If no opinion is delivered within the period prescribed, the Agencies shall take their decisions.

Article 8
Facilities at the Committee's disposal

1. Subject to the agreement of the Directors, the Committee shall be entitled to make use of the agencies' facilities in order to perform its duties and inform staff.
2. Missions carried out by members of the Committee, in the exercise of their duties, shall be reimbursed according to the standard rules applied by the Agencies, including budgetary limitations.

Article 9
Electoral rules

1. The conditions for electing the Committee shall be laid down as rules of electoral procedure at a general meeting of the staff of the Agencies. These conditions shall ensure, to the extent possible, that staff of all categories and agencies concerned are represented in the Committee.
2. The members of the Committee shall be elected by a secret ballot of:
 - Officials;
 - staff members covered by the CEOS whose contracts are for an indefinite period or for one year or more; and
 - staff members covered by the CEOS whose contracts are for less than one year, provided they have been employed by the Agency for at least six months.
3. An official and a staff member, covered by the CEOS, with an indefinite contract or whose contract is for one year or more shall be entitled to stand for election to the Committee.
4. Elections shall be valid only if two thirds of those entitled to vote take part in the voting. If this proportion is not attained, the second vote shall be valid if the majority of those entitled to vote take part in the voting. The second vote shall be organised immediately after the first one.
5. The list of the Committee's members shall be brought to the attention of all the Agencies' staff in a suitable form.

Article 10
Final provisions

6. Decision of 7 March 2013 of the Governing Board of the EIT on setting up a Staff Committee is hereby repealed.
7. Decision 08/2016/MB of 10 November 2016 of the Management Board of CEPOL on setting up a Staff Committee is hereby repealed.

8. The Commission's Decision on the composition and functioning of the Staff Committee of 23 December 1997 does not apply by analogy at the CEPOL and the EIT.
9. This Decision shall take effect 15 working days after its adoption by the last Agency among those establishing a Common Staff Committee.

Done in Budapest, 09 October 2017

For the Management Board of CEPOL

For the Governing Board of the
European Institute of Innovation and
Technology

<Signature on file>

<Signature on file>

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Mr Norbert Leitner
Chair of the Management Board

Mr Peter Olesen
Chairman of the Governing Board