

**Decision of the Management Board 21/2017/MB**

**On the temporary occupation of the post of the Executive Director**

**Adopted by the Management Board**

**On 31 August 2017**

## 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/JHA<sup>1</sup> (hereinafter 'CEPOL Regulation'), and in particular Article (9)(1)(m) thereof,

Having regard to Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants (CEOS) of the European Economic Community and the European Atomic Energy Community<sup>2</sup>, and in particular Article 7(2) of the Staff Regulations and Article 10 of the CEOS,

Having regard to the Decision 22/2012/GB laying down implementing rules for implementing Article 7(2) of the Staff Regulations as regards temporary occupation of management posts,

### Whereas:

- (1) The mandate of the current Executive Director of CEPOL, Dr Ferenc Bánfi, ends on 15 February 2018.
- (2) Due to the medical condition of Dr Bánfi, it is expected that his recovery will last a period of at least few months.
- (3) According to Article 23 of the CEPOL Regulation, it is for the Management Board to appoint a new Executive Director. It is noted that the recruitment procedure for the position of the Executive Director is currently ongoing.
- (4) Pending the appointment of a new Executive Director, and in view of the prolonged absence of Dr Bánfi, it is necessary to provide an interim solution by assigning the post of Executive Director temporarily. This will ensure the continuity of all the Agency's tasks and operations and compliance with its legal obligations under the CEPOL Regulation until the new Executive Director takes up his/her duties.
- (5) Article 7(2) of the Staff Regulations provides that the Appointing Authority may call upon officials to occupy a post in their function group in a grade which is higher than their own grade.
- (6) Decision 22/2012 of the Governing Board contains implementing rules giving effect to Article 7(2) of the Staff Regulations.
- (7) According to Article 2 of this Decision, only established temporary agents who are not serving their probationary period can be called upon to temporarily occupy a post within the meaning of Article 7(2).
- (8) The Management Board assessed the situation and concluded that Mr Detlef Schröder is the most suitable staff member amongst the senior

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

<sup>2</sup> OJ 45, 14.6.1962, p. 1385–1386, as last amended.

managers for temporarily occupying the post of Executive Director until a new Executive Director is formally appointed in accordance with the procedure of Article 23 of the CEPOL Regulation.

- (9) Because as acting Executive Director Mr Schröder takes up duties entailing responsibilities substantially greater than those involved in his own post in CEPOL, he should receive the differential allowance referred to in Article 7(2) of the Staff Regulations. This allowance should be calculated in accordance with Article 4 of Decision 22/2012, taking grade AD 13 as reference grade.

HAS ADOPTED THIS DECISION:

*Article 1*

Mr Detlef Schröder shall be granted a temporary posting as Executive Director with effect from 01 September 2017, with all prerogatives, rights and obligations entrusted to or incumbent upon the Executive Director of the European Union Agency for Law Enforcement Training (CEPOL).

*Article 2*

Pursuant to Article 4(2) of Decision 22/2012, from the beginning of the fourth month of the concerned temporary posting, Mr Detlef Schröder shall receive a differential allowance equal to the difference in his current remuneration and the remuneration he would receive if he was newly recruited in the reference grade. For the purpose of calculating this differential allowance, the reference grade shall be grade AD 13.

*Article 3*

This Decision shall take effect as of 01 September 2017 and shall be valid until Dr Bánfi resumes his duties or a new Executive Director, appointed in accordance with the procedure laid down in Article 23 of the CEPOL Regulation, takes up his/her position.

Done at Vienna, 4 September 2017

*For the Management Board*

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*Mr. Norbert Leitner*  
*Chair of the Management Board*