

Decision of the Management Board 22/2017/MB

On the sub delegation of powers concerning Article 90(2) of the Staff Regulations

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/JHA¹ (hereinafter 'CEPOL Regulation'), and in particular Article 9 (1)(i) article 28(4) 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 Community², and in particular to Article 90(2) of the Staff Regulations,

Having regard to Regulation (EC) 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 and on the free movement of such data³ (hereinafter 'Data Protection Regulation'), and in particular Article 28(4) thereof,

Having regard to Decision 02/2016/MB of the Management Board on the exercise of the powers of the appointing authority and the authority empowered to conclude contracts of employment in respect of the staff of the European Agency for Law Enforcement Training (CEPOL), and in particular Article 2(4) thereof,

Whereas:

- (1) By virtue of Article 2(1) of Decision 02/2016/MB of the Management Board, the powers conferred by the Staff Regulations on the appointing authority and by the CEOS on the authority empowered to conclude contracts of employment have been sub delegated to the Executive Director of the Agency.
- (2) Notwithstanding the above, pursuant to Article 2(4) of Decision 02/2016/MB of the Management Board, the powers conferred by the Staff Regulations concerning complaints submitted under Article 90(2) of the Staff Regulations against decisions of the Executive Director remain with the Management Board.

¹ OJ L319, 4.12.2015, p.1.

² OJ 45, 14.6.1962, p. 1385–1386, as last amended.

³ OJ L 8, 12.1.2001, p.1.

- (3) According to Article 90(2) of the Staff Regulations, a reasoned decision shall be notified to the person concerned within four months from the date of which the complaint was lodged.
- (4) Files concerning complaints submitted under Article 90(2) typically entail personal data and therefore their handling needs to be in accordance with the principles as enshrined in the Data Protection regulation.
- (5) In light of the above, there is the need to establish a mechanism enabling swift handling of the complaints and compliance with the requirements of the Data Protection Regulation.

HAS ADOPTED THIS DECISION:

Article 1

The reasoned decision on complaints submitted under Article 90(2) of the Staff Regulations shall be reached by the Chairperson of the Management Board on behalf of the Management Board.

Article 2

The Human Resources team and the Legal Officer of the Agency shall provide to the Chairperson of the Management Board the support necessary for the handling of a complaint submitted under Article 90(2) of the Staff Regulations.

Article 3

1. The Chairperson shall provide information on the exercise of this task to the Management Board.
2. The information provided to the Management Board shall be depersonalised as far as possible.

Article 4

This Decision shall take effect on the day of its adoption. It shall be brought to the attention of the staff in a suitable form.

Done at Vienna, 12 September 2017

For the Management Board

< signature on file >

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