



DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING

On the adoption by analogy of Implementing Rules to the Staff Regulations related to reclassification of temporary agents and contract agents

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

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

Having regard to the Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Article 110(2) of the Staff Regulations and Article 87(3) of the CEOS,

Having regard to Council Regulation 561/2014 setting up the ECSEL Joint Undertaking,

Having regard to the 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 rules of procedure of the Governing Board,

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations C(2015) 9561 of 16 December 2015,

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations C(2015) 9560 of 16 December 2015,

After consulting the Staff,

Whereas:

- 1) On 18.12.2015, the Commission informed ECSEL Joint Undertaking that it adopted Decision C(2014)2222 of 7 April 2014 on general provisions for implementing Article 87(3) of the CEOS amending Commission Decision C(2013)2529 of 3 May 2013 on the same matter (hereinafter 'Commission Decision C(2014)2222').

¹ 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.

- 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 ECSEL Joint Undertaking. By way of derogation, an agency may request the Commission's agreement to the non-application of certain implementing rules. The Commission may, instead of accepting or rejecting the request, require the agency to submit for its agreement implementing rules which are different from those adopted by the Commission.
- 3) Commission Decision C(2014)2222 is suitable to apply to ECSEL Joint Undertaking contract staff provided that certain adjustments are made to take into account the peculiarities of the Agency. Those adjustments concern in particular the actors involved, the reclassification procedure and the transitional provisions.
- 4) The reclassification system applicable to contract staff recruited by the ECSEL Joint Undertaking under Article 3a of the CEOS is based on consideration of the comparative merits of the contract staff eligible for reclassification, taking account of the reports on the staff, the use of languages in the execution of their duties other than the language for which they have produced evidence of thorough knowledge in accordance with Article 82(3) of the CEOS and the level of responsibilities exercised by them.
- 5) The reclassification system applicable to ECSEL temporary staff referred to in Article 2(f) of the CEOS is based on consideration of the comparative merits of the temporary staff eligible for reclassification, taking account of the reports on them, the use of languages in the execution of their duties other than the language for which they have produced evidence of thorough knowledge in accordance with Article 12(2)(e) of the CEOS and the level of responsibilities exercised by them.
- 6) In the interest of clarity and legal certainty, Annex 17 of Decision ECSEL GB 2015.35 of 03.05.2013 on reclassification of temporary staff should be repealed and replaced by this Decision,

HAS DECIDED:

Article 1

The following implementing rules, as adopted by the Commission and annexed to this decision, shall be applicable by analogy to the ECSEL Joint Undertaking:

nb	Title	Reference
1	Implementing Rule on general implementing provisions regarding Article 54 of the CEOs (reclassification of Temporary Agents)	C(2015) 9560
2	Implementing Rule on general implementing provisions regarding Article 87(3) of the CEOs (reclassification of Contract Agents)	C(2015) 9561

The following previous Implementing Rule, adopted by the Governing Board in 2015, shall be cancelled:

- Annex 17 to ECSEL GB 2015.35: decision laying down provisions for implementing Article 87(3) of the Staff regulations on appraisal of temporary staff (C(2013) 2529 of 03.05.2013).

Article 2

This decision shall enter into force on the day following its adoption.

Done at Brussels, on 11/04/2016

For the Governing Board



Andrea Cuomo
Chairperson of the Governing Board

Annexes:

1. Implementing provisions regarding Article 54 of the Conditions of Employment of Other Servants of the European Union: reclassification TAs.
2. Implementing provisions regarding Article 87(3) of the Conditions of Employment of Other Servants of the European Union: reclassification CAs.