

## **DECISION № MC/2012/8**

### **of the Management Committee of the Office of the Body of European Regulators for Electronic Communications (BEREC Office) on the setting up of a Staff Committee of the BEREC Office**

#### **The Management Committee of the BEREC Office,**

HAVING REGARD to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>, and in particular Article 9, 10 and 10a of the Staff Regulations, and Article 1 of Annex II, concerning the Staff Committee,

HAVING REGARD to Regulation (EC) No 1211/2009 of 25 November 2009 of the European Parliament and of the Council establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office (hereinafter "the Office"), and in particular Article 10 thereof,

HAVING REGARD to the fact that the Staff Committee of the Office, which is to be consulted pursuant to Article 110, paragraph 1, second sentence, of the Staff Regulations, has not yet been constituted and it is therefore impossible at the present to comply with the requirements of that provision. The Staff Committee will be invited to give its opinion on the relevant implementing rules when it has been constituted and due consideration will be given to any such opinion. The Management Committee is entitled in such circumstances to approve the rules forthwith.

HAVING REGARD to Commission Decision C (2012) 5208 of 25 July 2012 on the agreement of certain Agencies on their implementing rules for giving effect to the Staff Regulations,

In agreement with the European Commission pursuant to Article 110 of the Staff Regulations,

WHEREAS the Staff Committee shall represent the interests of the staff vis-à-vis the Office and shall provide a channel for the expression of opinion by staff,

WHEREAS agencies shall adopt the appropriate implementing rules for giving effect to these Staff Regulations, after consultation of the relevant Staff Committee,

WHEREAS the Staff Committee shall ensure the fair representation of staff of the Office.

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<sup>1</sup> OJ L 56 of 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 1558/2007 of 17 December 2007.

**HAS DECIDED AS FOLLOWS:**

*Article 1*

*Purpose and scope*

The Staff Committee shall represent the interests of the staff vis-à-vis the Office, and maintain continuous contact between the Office and its staff. It shall contribute to the smooth running of the Office by providing a channel for the expression of opinion by staff.

*Article 2*

*Tasks*

The Staff Committee shall bring to the notice of the Administrative Manager of the Office or other persons designated by him/her any difficulties having general implications concerning the interpretation and application of the Staff Regulations. It may be consulted on any difficulty of this kind.

The Staff Committee shall submit to the Administrative Manager suggestions concerning the organisation and operation of the Office Units and proposals for the improvement of staff working conditions or general living conditions.

*Article 3*

*Social welfare bodies*

The Staff Committee shall participate in the management and supervision of social welfare bodies set up by the Office in the interests of its staff. It may, with the consent of the Administrative Manager, set up such welfare bodies.

*Article 4*

*Consultation on implementing rules*

The Staff Committee shall be consulted regarding the appropriate implementing rules giving effect to the Staff Regulations within the Office, as laid down in Article 110 of the Staff Regulations.

*Article 5*  
*Composition*

The composition of the Staff Committee shall properly reflect the current situation within the Office.

The Staff Committee shall consist of 2 members and 2 alternates representing to the best possible way the different types and categories of staff engaged by the Office.

The Office Seconded National Experts may designate one representative who will attend the meetings of the Staff Committee as an observer.

The composition can be changed jointly by the Staff Committee deciding unanimously on this issue and the Administrative Manager before a new election in case the composition does no longer reflect the actual situation within the Office.

The alternate member shall replace a full one during the period that the latter is unable to perform his/her tasks.

*Article 6*  
*Rights and obligation*

1. The duties undertaken by full members or by alternates of the Staff Committee shall be deemed to be part of their normal service in the Office.
2. The fact of performing such duties shall in no way be prejudicial to the person concerned.
3. Membership in the Staff Committee does not constitute a special standing with regard to the extension of an employment contract limited in time.

*Article 7*  
*Term of office*

1. The term of office of the Staff Committee shall be three years.
2. The member who obtained the highest number of votes shall be appointed Chairman. In case of equality of votes, the most senior member in the Office shall be appointed as Chairman or otherwise the most senior by age.
3. The term of office of a member of the Staff Committee shall cease in particular upon death, resignation from the Committee, or termination of employment with the Office.
4. In the event of the departure of a full member, he/she shall be automatically be replaced by his/her alternate. A full member and his/her alternate shall automatically be replaced in the event of their departure by the full candidate and his/her alternate who obtained the highest number of votes among the

candidates not elected at the last election. In case of list votes, the candidate shall be taken from the same list.

5. Any member of the Staff Committee who changes function group or type of staff during his/her term of office shall remain in office until expiry of the term of the Staff Committee.
6. In the event of collective resignation of the Staff Committee or a successful motion of no-confidence, the Administrative Manager shall then organise new elections - according to the electoral rules.
7. If the term of office of the Staff Committee expires before a new Committee has been elected, the sitting members shall remain in office until replaced by newly elected members in order to deal with on-going affairs.

### *Article 8*

#### *Internal rules of procedure*

1. The Staff Committee shall adopt its own rules of procedure, which shall be notified to the Administrative Manager and to staff and it may also determine the distribution of duties among its members. These rules shall allow the Committee to work by written procedure.
2. The Staff Committee and the Administrative Manager shall meet at least 3 times a year and at the request of the Staff Committee or the Administrative Manager, at any time on any urgent matter.
3. The Staff Committee shall meet at least every three months.
4. The Staff Committee shall convene a general meeting of staff at least once a year in order to present a report on its activities and propose its future action plans.
5. Meetings of the Staff Committee shall be competent to transact business only where at least two members are present or represented by alternates.
6. Decisions shall be taken by a majority of members present or represented by alternates.
7. The observer designated by the Seconded National Experts of the Office shall have no vote but shall be duly heard in all matters affecting, directly or indirectly, the Seconded National Experts.
8. The Staff Committee can be dismissed by a motion of no confidence approved by a simple majority of the staff entitled to vote. This motion of no confidence shall be organised and implemented in accordance with the rules applicable for elections following a written request of 10% of staff members.

## *Article 9*

### *Consultation of the Staff Committee*

1. When consulted, the Staff Committee shall have a period of 20 working days to declare its position on relevant matters.
2. In case of urgent and exceptional matters, this period may be shortened on the basis of a consensus between the Chairman of the Staff Committee and the Administrative Manager but cannot fall under a minimum of 15 working days.
3. If no opinion has been delivered within the period prescribed or agreed, the Office shall take its decision.

## *Article 10*

### *Resources*

1. Subject to the agreement of the Administrative Manager, the Staff Committee shall be entitled to make use of the facilities of the Office for printing and communication, in order to perform its duties and to inform staff.
2. Missions carried out by members of the Staff Committee, in the exercise of their duties, shall be reimbursed according to the normal rules applied within the Office.

## *Article 11*

### *Elections*

The conditions for the election of the Staff Committee shall be laid down as rules of electoral procedure at a general meeting of the staff of the Office and shall be such as to ensure that staff members of all categories and services are represented in the Staff Committee.

The members of the Staff Committee shall be elected by a secret ballot of officials and other servants whose contracts are for an indefinite period or for one year or more, and other servants whose contracts are for less than a year provided they have been employed for at least six months.

A servant with an indefinite contract or whose contract is for one year or more shall be entitled to stand for election to the Staff Committee.

Elections shall be valid only if two-thirds of those entitled to vote take part. However, if this proportion is not attained, the second vote shall be valid if the majority of those entitled to vote take part. This second vote shall be organised immediately.

*Article 12*  
*Amendment to the rules*

These rules may be amended:

- By decision of the Management Committee on the initiative of the Administrative Manager or,
- On request of the Staff Committee following agreement by a majority of two-thirds of the members present at the general meeting of the employees duly convened for this purpose.

The proposed revised rules shall be submitted to the staff not less than five working days before the general meeting.

In any case they shall be submitted to the Commission according to Article 110 of the Staff Regulations.

*Article 13*  
*Entry into force*

This decision shall take effect on the day following that of its adoption.

Done at Limassol, on 28 September 2012.

**For the Management Committee**

**Georg SERENTSCHY**  
**BEREC Chair for 2012**