



EUROPEAN  
COMMISSION

Brussels, 27.5.2016  
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**COMMISSION DECISION**

**of 27.5.2016**

**on giving decentralised agencies and joint undertakings an *ex ante* agreement regarding  
implementing rules on setting up a Staff Committee**

## COMMISSION DECISION

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### on giving decentralised agencies and joint undertakings an *ex ante* agreement regarding implementing rules on setting up a Staff Committee

THE EUROPEAN COMMISSION,

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

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants ('CEOS') of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>, and in particular Article 110(2) thereof,

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 Article 13 of the Rules of Procedure of the Commission<sup>2</sup>, as last amended by Commission Decision C(2011) 9000/2<sup>3</sup>, and the Rules giving effect to the Rules of Procedure<sup>4</sup>, as last amended by Commission Decision C(2013) 3837<sup>5</sup>, in particular as regards the conditions for the exercise of powers,

Having regard to Commission Decision C(2014) 7229 final<sup>6</sup> empowering the Member of the Commission responsible for staff issues to adopt, on behalf of the Commission and under its responsibility, the decisions referred to in the third and fifth subparagraphs of Article 110(2) of the Staff Regulations,

Whereas:

- (1) The acts establishing agencies refer to the Staff Regulations and the CEOS as the common legal framework for staff matters. Implementing rules lay down the technical measures relevant to individual cases and supporting the consistent application of the Staff Regulations and the CEOS in the agencies.
- (2) Article 9 of the Staff Regulations provides that a Staff Committee should be set up within each institution.
- (3) Specific situation of agencies, such as the nature and/or number of their staff may justify that the Commission authorises the agencies to adopt rules that are adapted to their peculiarities. The Commission, with the assistance of the standing working party,

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<sup>1</sup> 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.

<sup>2</sup> Rules of Procedure of the Commission C(2000) 3614 of 29 November 2000 (2000/773/EC); OJ L 308, 8.12.2000, p.26.

<sup>3</sup> Commission Decision C(2011) 9000/2 of 9 November 2011, OJ L 296, 15.11.2011, p. 58.

<sup>4</sup> Rules giving effect to the Rules of Procedure C(2001) 1 final of 12 January 2001.

<sup>5</sup> Commission Decision C(2013) 3837 of 24 June 2013.

<sup>6</sup> Commission Decision C(2014) 7229 final of 8 October 2014 on the exercise of certain powers in respect of the agreement to be given by the Commission to the agencies before the adoption of implementing rules giving effect to the Staff Regulations in accordance with Article 110(2) thereof.

has therefore drafted a model decision for adoption by the agencies on setting up a staff committee.

- (4) Point 2.B of Communication C(2014) 6543 states that the Commission's *ex ante* agreements set out in detail the conditions and circumstances that must be fulfilled by agencies to be able to avail themselves of them.
- (5) The *ex ante* agreement given through this Decision should not rule out that an agency submits to the Commission, for its agreement, implementing rules which are different from the model decision,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

1. Pursuant to Article 110(2) of the Staff Regulations and to Communication C(2014) 6543, the Commission gives an *ex ante* agreement to the decentralised agencies and joint undertakings which decide to adopt implementing rules on setting up a Staff Committee which are identical to the model decision laid down in Annex I to this Decision. Those agencies, without having to submit a formal request, shall be deemed to have received the Commission's agreement referred to in Article 110(2) of the Staff Regulations.
2. The *ex ante* agreement referred to in paragraph 1 also counts as the Commission's reply to any request from one or more agencies if those requests relate to rules which are identical to the model decision laid down in Annex I to this Decision.

#### *Article 2*

An agency may avail itself of the *ex ante* agreement referred to in Article 1 if the following conditions are fulfilled:

- (a) it adopts the implementing rules on setting up a Staff Committee that are laid down in Annex I to this Decision; and
- (b) the rules referred to in subparagraph (a) above are identical<sup>7</sup> to the model decision laid down in Annex I to this Decision, with the exception of the parts in square brackets, which shall be adapted to the agency's specific situation in accordance with the relevant instructions.

#### *Article 3*

1. This Decision shall cease to apply where a new Commission Decision concerning composition and functioning of the Staff Committee is adopted and communicated to agencies; the Commission may nevertheless uphold this Decision.
2. In the event of significant changes in the way the agency operates, for example resulting from a change in the act or acts establishing it, its tasks or its organisation, the agency shall assess whether it still fulfils the conditions laid down in Article 2. If those conditions are no longer fulfilled, the agency shall adopt appropriate measures to bring its rules implementing the Staff Regulations into line with the new conditions that apply.

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<sup>7</sup> With the exception of technical adaptations that are necessary to ensure compliance with the act(s) establishing the agency. These adaptations shall not alter the *ratio legis* of the model decision.

*Article 4*

1. This Decision is addressed to decentralised agencies and joint undertakings<sup>8</sup>.
2. Annex II lists the decentralised agencies and joint undertakings in existence on the date of adoption of this Decision.
3. The Commission shall inform decentralised agencies and joint undertakings which are created after the adoption of this Decision of the existence of this Decision.

Done at Brussels, 27.5.2016

*For the Commission*  
*Kristalina GEORGIEVA*  
*Vice-President*



<sup>8</sup>

Decentralised agencies and joint undertakings are the bodies referred to in paragraph 2 of Article 1(a) of the Staff Regulations, with the exception of executive agencies within the meaning of Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes (OJ L 11, 16.1.2003, p. 1).