



EUROPEAN  
COMMISSION

Brussels, 11.12.2018  
C(2018) 8800 final

**COMMISSION DECISION**

**of 11.12.2018**

**on giving the Commission's *ex ante* agreement to the adoption by decentralised agencies  
and joint undertakings of implementing rules on types of post and post titles**

## COMMISSION DECISION

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### on giving the Commission's *ex ante* agreement to the adoption by decentralised agencies and joint undertakings of implementing rules on types of post and post titles

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 of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, and in particular Article 110(2) of the Staff Regulations,

Whereas:

- (1) Pursuant to Article 13 of the Rules of Procedure of the Commission<sup>1</sup>, and the Rules giving effect to the Rules of Procedure<sup>2</sup>, the Commission may empower one of its Members to take management or administrative measures on its behalf.
- (2) On 8 October 2014 the Commission adopted Decision C(2014) 7229<sup>3</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.
- (3) On 26 September 2014 Communication C(2014) 6543 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 was adopted.
- (4) On 13 January 2009, the Commission adopted the guidelines regarding the selection and appointment of directors of regulatory agencies, executive agencies and joint undertakings<sup>4</sup>.
- (5) The acts establishing all agencies refer to the Staff Regulations and the CEOS as the common legal framework for staff matters. Implementing rules lay down technical measures relevant to individual cases and supporting the consistent application of the Staff Regulations and the CEOS in the agencies.
- (6) Pursuant to Article 110(2) of the Staff Regulations, implementing rules adopted by the Commission to give effect to the Staff Regulations are to apply by analogy to the agencies. 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

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<sup>1</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), as last amended by Commission Decision C(2011) 9000/2 of 9 November 2011 (OJ L 296, 15.11.2011, p. 58).

<sup>2</sup> Rules giving effect to the Rules of Procedure C(2001) 1 final of 12 January 2001, as last amended by Commission Decision C(2013) 3837 of 24 June 2013.

<sup>3</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.

<sup>4</sup> SEC(2009) 27/2.

accepting or rejecting the request, require the agency to submit for its agreement implementing rules which are different from those adopted by the Commission.

- (7) On 17 December 2013, the Commission informed the agencies that it adopted Decision C(2013)8979 of 16 December 2013 concerning types of post and post titles.
- (8) Commission Decision C(2013)8979 is suitable to apply to the decentralised agencies and joint undertakings if it is adapted to their peculiarities. Those peculiarities concern in particular different terminology of post titles and ranges of grades within post titles.
- (9) The Commission has concluded that in view of the agencies' particularities there is sufficient justification for a significant number of them to obtain authorisation to adopt rules which are different from those adopted by the Commission. Therefore, the Commission, with the assistance of the standing working party, has drafted a model decision for adoption by the agencies.
- (10) Pursuant to Point 2.B of Communication C(2014)6543, the Commission may inform the agencies of its agreement to rules which are different from its own rules, without the agencies having to submit a formal request. It states that *ex ante* agreements must set out in detail the conditions and circumstances that must be met by agencies for them to be allowed to make use of such agreements.
- (11) The *ex ante* agreement given by this Decision does not preclude an agency from submitting to the Commission, for its agreement, implementing rules that differ from the model decision,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

1. Pursuant to Article 110(2) of the Staff Regulations and Communication C(2014)6543, the Commission gives its *ex ante* agreement to agencies, referred to in Article 4, which decide not to apply by analogy Commission Decision C(2013)8979 and to adopt rules on types of post and post titles that are identical to the model decision laid down in Annex I to this Decision. Any agency wishing to do so shall be deemed to have received the Commission's agreement, as referred to in Article 110(2) of the Staff Regulations, without having to submit a formal request.
2. The *ex ante* agreement referred to in paragraph 1 also serves as the Commission's reply in cases where an agency submits implementing rules for the Commission's agreement that are identical to the model decision laid down in Annex I to this Decision.

#### *Article 2*

An agency may make use of the *ex ante* agreement referred to in Article 1 if all of the following conditions are met:

- (a) if it adopts rules on types of post and post titles which are laid down in Annex I to this Decision;
- (b) if the rules referred to in subparagraph (a) above are identical<sup>5</sup> to the model decision laid down in Annex I to this Decision, with the exception of the parts in square

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<sup>5</sup> Except for such technical adjustments as may be necessary to ensure compliance with the act(s) establishing the agency. These adjustments shall not alter the *ratio legis* of the model decision.

brackets which shall be adapted to the agency's specific situation according to the relevant instructions.

#### *Article 3*

1. This Decision shall cease to apply where a new Commission Decision on types of post and post titles is adopted and notified to agencies. The Commission may nevertheless uphold this Decision.
2. In the event of any significant change in the way an agency operates, such as might for example ensue from a change in the act or acts establishing it, in its tasks or in its organisation, the agency shall assess whether it still meets the conditions laid down in Article 2. If those conditions are no longer met, the agency shall adopt appropriate measures to bring its rules implementing the Staff Regulations into line with the new conditions that apply.

#### *Article 4*

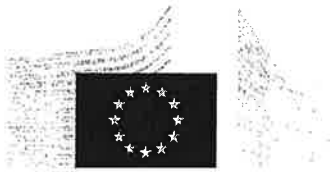
1. This Decision is addressed the decentralised agencies and joint undertakings.<sup>6</sup>
2. Annex II lists the decentralised agencies and joint undertakings which exist on the date of adoption of this Decision.
3. The Commission shall inform any agency set up after the adoption of this Decision of the latter's existence.

Done at Brussels, 11.12.2018

*For the Commission*  
*Günther OETTINGER*  
*Member of the Commission*



<sup>6</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).



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ANNEX 1

**ANNEX**

**to the Commission Decision on giving the Commission's ex ante agreement to the adoption by decentralised agencies and joint undertakings of implementing rules on types of post and post titles**

**Model decision for decentralised agencies and joint undertakings on types of post and post titles**

*To reflect an agency's specific circumstances, text in [xxx] should be revised in line with the instructions in square brackets, e.g. replace [Management Board] with 'Governing Board'*

**[name of Agency] DECISION**

**of [date]**

on on types of post and post titles in [name of Agency]

[THE MANAGEMENT BOARD or the equivalent body referred to in the act(s) establishing the Agency],

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 of the European Union ('CEOS') laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>, and in particular Article 5 of the Staff Regulations and Annexe[s] I [and XIII] thereto, and Article 10 of the CEOS.

Having regard to [Council Regulation[s] (EC) / European Parliament and Council Regulation[s] (EC) / Council Decision[s]] [ No X] of [date] establishing [name of Agency],

[Having regard to the Rules of Procedures of [name of Agency] and in particular Article [ ] thereof,]

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations [reference number of the Commission's Decision] of [date],

After [consulting the Staff Committee [*for agencies having established a Staff Committee*] [*or where Staff Committee has not been established yet:*] After informing the staff],

Whereas:

- 1) On [17 December 2013], the Commission informed [name of Agency] that it adopted Decision C(2013)8979 of 16 December 2013 on types of post and post titles.
- 2) On 26 September 2014 Communication C(2014) 6543 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 was adopted, and in particular Point 2.B thereof, where the Commission ex ante agreement is referred to.
- 3) Pursuant to Article 110(2) of the Staff Regulations, implementing rules such as those referred to in Recital 1 are to apply by analogy to [name of Agency]. 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.
- 4) Commission Decision C(2013)8979 is suitable to apply to [name of Agency] provided that certain adjustments are made to take into account the peculiarities of the [Agency]. Those adjustments concern in particular the terminology established in the [Agency] to describe functions exercised, the range of grades of [Head of Department]

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<sup>1</sup> OJ L 56, 4.3.1968, p. 1.

post title of which the lower grade should respect the limitation referred to in Article 53 of the CEOS [and the range of grades within other types of post].

- 5) For each of the three function groups (AD, AST and AST/SC), the types of post with the corresponding grade ranges are laid down in Annex I to the Staff Regulations. [*For agencies having staff in service on 31 December 2013*: In addition, transitional rules on types of post are set out in Annex XIII for officials and temporary staff in service on 31 December 2013.]
- 6) It is necessary to establish the equivalence between these types of post and the post titles which are used for [name of Agency] [officials and] temporary staff,
- 7) [In the interests of clarity and legal certainty, [[name of Agency] Decision [Decision's reference number] of [date] [types of post and post titles ] should be repealed and replaced by this Decision][Commission Decision C(2013)8979 of 16 December 2013 on types of post and post titles should no longer apply to [name of Agency]],

HAS DECIDED AS FOLLOWS:

#### *Article 1*

In accordance with Article 5(4) of the Staff Regulations, the tables establishing the equivalence between the types of post and the post titles used for [name of Agency] [officials and] temporary staff, which are contained in the Annex to this Decision, are hereby approved.

#### *Article 2*

- (1) [*For agencies having their own rules on types of post and post titles*: [The] [name of Agency] Decision [Decision's reference number] of [date] [on types of post and post titles] is repealed].
- (2) [Commission Decision C(2013) 8979 of 16 December 2013 does not apply by analogy to [name of Agency].]
- (1) [*For agencies applying the Commission's Decision on types of post and post titles by analogy*: Commission Decision C(2013) 8979 of 16 December 2013 shall no longer apply by analogy to [name of Agency]. [*For agencies not having the rules on types of post and post titles in place*: Commission Decision C(2013) 8979 of 16 December 2013 does not apply by analogy to [name of Agency].]

#### *Article 3*

This Decision shall take effect on [date] [the day following that of its adoption].

Done at [city], on [date]

For [name of Agency]

## ANNEX

### A. Types of post

Type of post	Function group / Grade	Post title
[Director-General <sup>2</sup>	AD 15 – AD 16	corresponding post title referred to in the founding regulation: e.g. Chairperson]
Director <sup>3</sup>	AD 14 – AD 15	[post title of the Head of the Agency, as referred to in the founding regulation: e.g. Director, Executive Director]  [Principal Adviser]
Adviser or equivalent	AD 13 – AD 14	[post titles established in the Agency to perform Adviser functions: e.g. Adviser  post titles established in the Agency to perform other equivalent functions: e.g. Senior Expert]
Head of Unit or equivalent	AD 9 – AD 14	[post titles established in the Agency to perform management functions: e.g.  <i>[For specific cases of agencies whose founding regulation provides for a post of a deputy head of the agency: the corresponding post title referred to in the founding regulation: e.g. Deputy Executive Director<sup>4</sup>]</i>  Head of Unit Head of Department <sup>5</sup> Head of Task Force]
Administrator	AD 5 – AD 12	[post titles established in the Agency to perform administrator functions: e.g. Principal Administrator <sup>6</sup>  Administrator <sup>7</sup> ]
Senior Assistant	AST 10 – AST 11	[post titles established in the Agency to perform senior assistant functions: e.g. Senior Assistant]

<sup>2</sup> For specific cases of agencies whose founding regulation provides for a post at a higher level compared to the head of the agency.]

<sup>3</sup> This is without prejudice to a different classification of the head of the agency according to the founding regulation and/or the establishment plan.

<sup>4</sup> Post(s) of Deputy Head of the Agency is (are) filled from grades AD13 to AD 14.]

<sup>5</sup> Posts of [Head of Department] are filled from grades AD 12 to AD 14.

<sup>6</sup> Posts of Principal Administrator are filled from grades [AD 8 to AD 12].

<sup>7</sup> Posts of Administrator are filled from grades [AD 5 to AD 7].



Assistant	AST 1 – AST 9	[post titles established in the Agency to perform assistant functions[ <i>for agencies dividing range of grades of Assistant:</i> <sup>8</sup> ]: e.g. Assistant]  [ <i>For agencies that used the footnote 6: e.g. technical assistant</i> <sup>9</sup> ]
Secretary/Clerk	SC 1 – SC 6	[post titles established in the Agency to perform secretary/clerk functions: e.g. Secretary/Clerk]

[ *For agencies having staff in service on 31 December 2013:*

**B. Transitional types of post**

Type of post	Function group / Grade	Post title
Senior Administrator in transition	AD 14	[Senior Administrator in transition]
Administrator in transition	AD 13	[Principal Administrator in transition]
Senior Assistant in transition	AST 10 – AST 11	[Senior Assistant in transition]
Assistant in transition	AST 1 – AST 9	[Assistant in transition]
Administrative Assistant in transition	AST 1 – AST 7	[Administrative Assistant in transition]
Support Agent in transition	AST 1 – AST 5	[Support Agent in transition]

]

[<sup>8</sup> Posts of Assistant are filled from grades [AST 1 to AST X].]

[<sup>9</sup> Posts of Technical Assistant are filled from grades [AST Y to AST 9].]



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ANNEX 2

**ANNEX**

**to the Commission Decision on giving the Commission's ex ante agreement to the adoption by decentralised agencies and joint undertakings of implementing rules on types of post and post titles**

**List of agencies**

## List of agencies

### A. DECENTRALISED AGENCIES

- (1) **Agency for the Cooperation of Energy Regulators (ACER)**  
Trg republike 3,  
1000 Ljubljana, SLOVENIA
  
- (2) **Body of European Regulators for Electronic Communications and the Office (BEREC)**  
BEREC Office  
Z. A. Meierovica Bulv. 14, 2nd Floor  
Riga LV-1050, LATVIA
  
- (3) **Translation Centre for the Bodies of the European Union (CDT)**  
Bâtiment Drosbach  
Rue Guillaume Kroll, 12e  
1882 Luxembourg, LUXEMBURG
  
- (4) **European Centre for the Development of Vocational Training (CEDEFOP)**  
Europe 123,  
570 01 Thessaloniki (Pylea), GREECE
  
- (5) **European Union Agency for Law Enforcement Training (CEPOL)**  
Ó Utca 27  
1066 Budapest, HUNGARY
  
- (6) **Community Plant Variety Office (CPVO)**  
3 Boulevard Maréchal Foch  
FR-49000 Angers, FRANCE
  
- (7) **European Aviation Safety Agency (EASA)**  
Konrad-Adenauer-Ufer 3  
D-50668 Cologne, GERMANY
  
- (8) **European Asylum Support Office (EASO)**  
MTC Block A, Winemakers Wharf,

Grand Harbour Valletta,  
MRS 1917, MALTA

**(9) European Banking Authority (EBA)**

One Canada Square (Floor 46)  
Canary Wharf  
London E14 5AA, UNITED KINGDOM

**(10) European Centre for Disease Prevention and Control (ECDC)**

Gustav III:s Boulevard 40  
169 73 Solna, SWEDEN

**(11) European Chemicals Agency (ECHA)**

Annankatu 18  
00120 Helsinki, FINLAND

**(12) European Environment Agency (EEA)**

Kongens Nytorv 6  
1050 Copenhagen K, DENMARK

**(13) European Fisheries Control Agency (EFCA)**

Edificio Odriozola, Avenida García Barbón 4  
36201 Vigo, SPAIN

**(14) European Food Safety Authority (EFSA)**

Via Carlo Magno 1A  
43126 Parma, ITALY

**(15) European Institute for Gender Equality (EIGE)**

Gedimino pr. 16  
01103 Vilnius, LITHUANIA

- (16) **European Insurance and Occupational Pensions Authority (EIOPA)**  
Westhafenplatz 1  
60327 Frankfurt am Main, GERMANY
- (17) **European Institute of Innovation and Technology (EIT)**  
Infopark 1/E, Neumann Janos utca  
1117 Budapest, HUNGARY
- (18) **European Medicines Agency (EMA)**  
30 Churchill Place  
Canary Wharf  
London E14 5EU, UNITED KINGDOM
- (19) **European Maritime Safety Agency (EMSA)**  
Praça Europa 4, Cais do Sodré  
1249-206 Lisbon, PORTUGAL
- (20) **European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)**  
Praça Europa 1, Cais do Sodré  
1249-289 Lisbon, PORTUGAL
- (21) **European Union Agency for Network and Information Security Agency (ENISA)**  
Science and Technology Park of Crete (ITE)  
Vassilika Vouton  
700 13 Heraklion, GREECE
- (22) **European Union Agency for Railways (ERA)**  
120 rue Marc Lefrancq  
59300 Valenciennes, FRANCE
- (23) **European Securities and Markets Authority (ESMA)**  
103 Rue de Grenelle  
75007 Paris, FRANCE
- (24) **European Training Foundation (ETF)**  
Villa Gualino

Viale Settimio Severo 65  
10133 Torino, ITALY

(25) **European Union Intellectual Property Office (EUIPO)**

Avenida de Europa, 4  
03008 Alicante, SPAIN

(26) **European Agency for the operational management of the large-scale IT systems in the area of freedom, security and justice (eu-LISA)**

Vesilennuki 5  
10415 Tallinn, ESTONIA

(27) **European Agency for Safety and Health at Work (EU-OSHA)**

12 Santiago de Compostela (Edificio Miribilla), 5th floor  
48003 Bilbao, SPAIN

(28) **European Foundation for the Improvement of Living and Working Conditions (EUROFOUND)**

Wyattville Road, Loughlinstown,  
Co. Dublin D18 KP65, IRELAND

(29) **European Union's Judicial Cooperation Unit (EUROJUST)**

Johan de Wittlaan 9  
2517 JR The Hague, THE NETHERLANDS

(30) **European Union Agency for Law Enforcement Cooperation (EUROPOL)**

Eisenhowerlaan 73  
2517 KK The Hague, THE NETHERLANDS

(31) **European Union Agency for Fundamental Rights (FRA)**

Schwarzenbergplatz 11  
1040 Vienne, AUSTRIA

(32) **European Border and Coast Guard Agency (FRONTEX)**

Plac Europejski 6  
00-844 Warsaw, POLAND

(33) **European GNSS Agency**

Janovského 438/2

170 00 Prague 7 - Holesovice, CZECH REPUBLIC

(34) **Single Resolution Board (SRB)**

Rue Treurenberg 22

1049 Brussels, BELGIUM

## B. JOINT UNDERTAKINGS

(35) **Bio-based Industries Joint Undertaking (BBI)**

White Atrium Building  
Avenue de la Toison d'Or 56-60, 3<sup>th</sup> Floor  
1060 Brussels, BELGIUM

(36) **Clean Sky 2 Joint Undertaking (CLEAN SKY 2)**

White Atrium Building  
Avenue de la Toison d'Or 56-60, 4<sup>th</sup> Floor  
1060 Brussels, BELGIUM

(37) **Electronic Components and Systems for European Leadership Joint Undertaking (ECSEL)**

White Atrium Building  
Avenue de la Toison d'Or 56-60, 5<sup>th</sup> Floor  
1060 Brussels, BELGIUM

(38) **Fuel Cells and Hydrogen 2 Joint Undertaking (FCH 2)**

White Atrium Building  
Avenue de la Toison d'Or 56-60, office 04/21  
1060 Brussels, BELGIUM

(39) **The European Joint Undertaking for ITER and the Development of Fusion Energy (F4E)**

c/ Josep Pla, n° 2  
Torres Diagonal Litoral  
Edificio B3  
08019 Barcelona, SPAIN

(40) **Innovative Medicines Initiative 2 Joint Undertaking (IMI 2)**

White Atrium Building  
Avenue de la Toison d'Or 56-60  
1060 Brussels, BELGIUM



(41) **SESAR Joint Undertaking (SJU)**

Avenue de Cortenbergh 100  
1000 Brussels, BELGIUM

(42) **Shift2Rail Joint Undertaking (S2R JU)**

White Atrium Building, 2<sup>nd</sup> Floor  
Avenue de la Toison d'Or 56-60  
1060 Brussels, BELGIUM