

## Note to the Management Board

### EFSA Decision setting up a Staff Committee

#### 1. Background

Under Article 110 of the Staff Regulations ('SR'), EFSA lays down staff-related implementing rules ('IRs') according to one of the following modalities:

- adoption by analogy of Commission IRs (general principle);
- adoption of IRs based, when available, on Agency Model Decisions negotiated within the Standing Working Party ('SWP')<sup>1</sup>, to ensure common implementation of the SR across all agencies;
- adoption of IRs derogating from Commission IRs in case EFSA requires IRs which are specifically adapted to its own reality;
- opt-out Commission IRs which are not relevant or suitable for staff management at EFSA.

The decision-making power remains with the Management Board, on the basis of proposals of the Executive Director and following consultation with the Staff Committee.

An overview of IRs adopted so far by EFSA is provided in the Annex to the present note.

#### 2. Adoption of EFSA Decision setting up a Staff Committee (based on Model Decision)

The Staff Regulations foresees that a Staff Committee is set up within EFSA with the purpose of representing the interests of the staff vis-à-vis the Authority. Currently, the composition and the functioning of EFSA Staff Committee are governed by EFSA Decision of 9 October 2012 concerning the establishment of a Staff Committee. Following the 2013 Review of the Staff Regulations, an Agency Model Decision was negotiated within the SWP, and agreed by the Commission, to ensure common across agencies for the representation for the interests of the staff.

##### 2.1. Staff Committee consultation

EFSA Staff Committee was consulted and delivered its opinion, in particular, as regards the aspects of the new rules for which EFSA can decide (or choose between different options) the approach to take, namely:

##### *Composition*

- it indicated that the Staff Committee should consist of 5 full members (choosing between odd numbers of at least 3 members);
- it opted for the alternates to be able to replace any of the full members (discarding thus the option that each alternate is linked to a specific full member);

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<sup>1</sup> The Standing Working Party is composed of agencies' and Commission (DG HR) representatives and its mission is to negotiate General Implementing rules to be applied within agencies. EFSA is represented by the European Medicines Agency (EMA).

### *Terms of office*

- it set the term of office at 3 years (discarding the option of a 2 year term of office);

### *Functioning*

- it opted for not having a Co-chair in addition to the Chair;
- it indicated that the Staff Committee will meet 12 times a year;
- it indicated that the meeting between the Staff Committee and the Executive Director will occur at least 2 times per year (discarding the option of having this meeting "at least once per year" only).

## **2.2.Changes compared to the existing framework**

EFSA assessed the Model Decision and fully took on board the input provided by the Staff Committee as regards the aspects for which EFSA has margins to decide.

As a result, the new framework would introduce the following changes:

### *Composition*

- the Staff Committee would consist of 5 full members<sup>2</sup>, while previously it was set at 7 full members;
- seconded national experts would no longer be represented within the Staff, while previously they could designate a representative although with the limited role of observer;
- the composition of the Staff Committee could no longer be changed by joint decision of the Staff Commission and the Executive Director, the process of Article 110(2) and, therefore, the agreement of the Commission would be always necessary;

### *Tasks*

- possibility to bring issues on the interpretation and application of Staff Regulations to the notice of, in duly justified cases, the Management Board;

### *Functioning*

- the Staff Committee would no longer elect a Co-chair<sup>3</sup>;
- the Staff Committee would meet the Executive Director at least 2 times per year<sup>4</sup>, while the previous framework foresaw this meeting at least 3 times per year;
- the Staff Committee would convene a general meeting of the staff at least once during its term (i.e. once during three years), while this meeting was previously convened at least once per year;
- meetings of the Staff Committee would be validly convened with at least the majority of the members or alternates present, while this quorum was previously set at two-thirds of the members or alternates present.

## **3. Proposed action**

It is proposed that the Management Board adopts the new implementing rules on setting up a Staff Committee based on the model decision notified by the Commission. A draft decision for this purpose is enclosed to the present note.

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<sup>2</sup> As per the Staff Committee's position.

<sup>3</sup> As per the Staff Committee's position.

<sup>4</sup> As per the Staff Committee's position.

## Annex

### Commission IRs adopted by analogy

- Commission Decision of 16.12.2013 laying down general provisions giving effect to Article 8 of Annex VII to the Staff Regulations C(2013) 8987;
- Commission Decision of 16.12.2013 repealing Commission Decision of 28.4.2004 adopting General implementing provisions on the early retirement of officials and temporary agents without reduction of pension rights (C(2004) 1588 final/5) C(2013) 9039;
- Commission Decision of 16.12.2013 laying down general implementing provisions concerning the criteria applicable to classification in step on appointment or engagement C(2013) 8970;
- Commission Decision of 16.12.2013 on general implementing provisions on granting the education allowance (Article 3 of Annex VII to the Staff Regulations) C(2013) 8971;
- Commission Decision of 16.12.2013 on leave C(2013) 9051;
- Commission Decision of 16.12.2013 on maternity leave and maternity pay for women whose maternity leave begins before the end of their contract (Articles 17 and 91 of CEOS) C(2013) 9020;
- Commission Decision of 8.1.2016 on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work C(2015) 9720<sup>5</sup>;
- Commission Decision of 16.12.2013 laying down general implementing provisions to Article 7 (4) of Annex VII to the Staff Regulations on determining the place of origin C(2013) 8982;
- Commission Decision of 16.12.2013 on reimbursements due to officials assigned to non-member countries C(2013) 8990;
- Commission Decision C(2015)9151 of 17 December 2015 on the implementation of telework in Commission Departments;
- Commission Decision of 16.12.2013 on outside activities and assignments C(2013) 9037;
- Commission Decision of 16.12.2013 on General Implementing Provisions on removal expenses (Article 9 of Annex VII to the Staff Regulations) C(2013) 9040;
- Commission Decision of 16.12.2013 on rules for the implementation of housing policy in EU delegations C(2013) 8965,
- Commission Decision of 16.12.2013 on the living conditions allowance and the additional allowance referred to in Article 10 of Annex X to the Staff Regulations C(2013) 9032;
- Commission Decision of 16.12.2013 on home leave for officials, temporary agents and contract agents posted in third countries (second paragraph of Article 7 Annex V to the Staff Regulations) C(2013) 9035;
- Commission Decision of 16.12.2013 on management of rest leaves pursuant to Article 8 of Annex X to the Staff Regulations C(2013) 9027.

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<sup>5</sup> It replaces Commission Decision of 16.12.2013 on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work C(2013) 9046.

### **IRs adopted based on Model agency rules**

- Decision of the MB laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under (2)(f) of the CEOS
- Decision of the MB laying down general provisions for implementing Article 43 of the SR and implementing the first paragraph of Article 44 of the SR for officials and temporary staff<sup>6</sup>;
- Decision of the MB laying down general provisions for implementing Article 87 (1) of the CEOS and implementing the first paragraph of Article 44 of the SR.
- Decision of the MB on measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Union<sup>7</sup>.

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<sup>6</sup> It replaces Commission Decision of 16.12.2013 laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations C(2013) 8985, initially adopted by analogy by Decision of the Management Board of 26 June 2014 concerning the adoption of implementing provisions of the Staff Regulations by analogy (mb 26 06 14).

<sup>7</sup> It replaces Commission Decision of 16.12.2013 on measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Union C(2013) 9054, initially adopted by analogy by Decision of the Management Board of 26 June 2014 concerning the adoption of implementing provisions of the Staff Regulations by analogy (mb 26 06 14).