

## DECISION OF THE MANAGEMENT BOARD CONCERNING THE APPOINTMENT OF AN ACTING EXECUTIVE DIRECTOR

### THE MANAGEMENT BOARD OF THE EUROPEAN FOOD SAFETY AUTHORITY,

#### Having regard to:

Regulation (EC) No 178/2002 (hereinafter referred to as ‘the Regulation’) of the European Parliament and the Council of 28 January 2002 laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in relation to food safety<sup>1</sup>, and in particular Articles 25 to 26 thereof;

Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants (CEOS) of the European Economic Community and the European Atomic Energy Community<sup>2</sup>, and in particular Article 7(2) of the Staff Regulations and Article 10 of the CEOS;

Commission Decision C(2009)7839 of 19 October 2009 laying down implementing rules as regards the temporary occupation of management posts;

Financial Regulation of the European Food Safety Authority of 28 January 2009<sup>3</sup>;

The Rules of procedure of the Management Board of the European Food Safety Authority of 27 June 2013, in particular Article 8(3) and point IV of the Annex thereof<sup>4</sup>;

Decision of the Executive Director concerning the designation of the staff member deputising the Executive Director of 15 July 2013<sup>5</sup>;

#### Whereas:

- (1) Mrs Catherine Geslain-Lanéelle was the Executive Director, under a contract concluded for a five-year mandate as of 1 July 2006, and renewed on 1 July 2011 for the same duration.
- (2) Following the resignation of Mrs Catherine Geslain-Lanéelle notified to Appointing Authority on 24 July 2013, the post of Executive Director has become vacant with effect from 1 September 2013.
- (3) According to Article 26 of the Regulation, the Management Board will appoint a new Executive Director on the basis of a list of candidates proposed by the European Commission after an open competition, following the publication in the Official Journal of the European Union and elsewhere of a call for expression of interest, and after the candidate nominated by the Management Board has made a statement and answered questions before the European Parliament. Pending the appointment of a new Executive Director following the procedure described above, it is necessary to provide, since the vacancy period is not a short-term one, an interim solution through the appointment of an acting Executive Director. This will ensure the continuity of all the Authority’s tasks and operations and compliance with its legal obligations under the Regulation until the new Executive Director takes up his/her duties.
- (4) Article 7(2) of the Staff Regulations provides that the Appointing Authority may call upon officials to occupy a post in their function group in a grade which is higher than their own grade.

---

<sup>1</sup> OJ L 31, 1.2.2002, p. 1-24, as last amended.

<sup>2</sup> EEC/EAEC Council: Regulation No 31 (EEC), 11 (EAEC), laying down the staff Regulations of officials and the conditions of employment of other servants of the European Economic Community and the European atomic energy Community, OJ 45, 14.6.1962, p. 1385–1386, as last amended.

<sup>3</sup> Decision of the EFSA Management Board of 28 January 2009, ps 28 01 09 item 7 doc 6.

<sup>4</sup> Decision of the Management Board of 27 June 2013 on the rules of procedures of the Management Board of EFSA, mb 27 06 13.

<sup>5</sup> Decision no EFSA/LRA/DEC/6/2013.

**ps 23 10 2013 – Decision of the Management Board concerning the appointment of an acting Executive Director**

- (5) EFSA has not adopted any implementing rules giving effect to Article 7(2) of the Staff Regulations. It is therefore appropriate to take Commission Decision C(2009)7839 of 19 October 2009 laying down implementing rules as regards the temporary occupation of management posts as the reference framework for assigning temporarily the post of the Executive Director of EFSA. According to Article 2 of this Decision, only agents who are not serving their probationary period can be called upon to temporarily occupy a post within the meaning of Article 7(2) of the Staff Regulations.
- (6) The Management Board has agreed on the set of criteria against which the assessment of the suitability of the acting Executive Director should be performed. More precisely, the designated person should be a member of EFSA staff and able to guarantee the continuity of the service and give assurances of being able to take over the future challenges of EFSA until the moment where the open competition for the position is completed. To this end, the designated staff member should have a thorough understanding of risk assessment and communication processes related to EFSA's operations, be active as senior manager in EFSA and have effective communication and leadership skills. In addition, the designated staff member should have, as an asset, proven skills to fulfill responsibilities similar or equivalent to those assigned to the Executive Director by the Regulation, ideally within the context of a body operating in the fields within the mission of EFSA.
- (7) Against the above criteria and in view of the Decision of the Executive Director concerning the designation of the staff member deputising the Executive Director of 15 July 2013, the Management Board considers Mr Bernhard Url as the most suitable staff member for being appointed as acting Executive Director, until a new Executive Director is formally appointed in accordance with the procedure of Article 26 of the Regulation.
- (8) Because as acting Executive Director Mr Bernhard Url takes up duties entailing responsibilities substantially greater than those involved in his own post in EFSA, he should receive the differential allowance referred to in Article 7(2) of the Staff Regulations. This allowance should be calculated in accordance with Commission Decision C(2009)7839 of 19 October 2009, taking as reference grade the grade AD 14.

HAS DECIDED AS FOLLOWS:

**ARTICLE 1**

Mr Bernhard Url shall be appointed acting Executive Director with effect from 23 October 2013, with all prerogatives, rights and obligations entrusted to or incumbent upon the Executive Director of the European Food Safety Authority by law.

**ARTICLE 2**

Pursuant to Article 7(2) of the Staff Regulations, from the beginning of the fourth month of this appointment, Mr Bernhard Url shall receive a differential allowance equal to the difference in his current remuneration and the remuneration according to the level of this appointment.

For the purpose of calculating this differential allowance, the reference grade shall be grade AD 14.

**ARTICLE 3**

This Decision shall enter into force the day of its signature and shall be valid until a new Executive Director, appointed in accordance with the procedure foreseen in Article 26 of Regulation (EC) No 178/2002, takes up his/her duties.

Adopted in Parma on 23 October 2013

For EFSA's Management Board

[SIGNED]

Sue Davies

Chair of the Management Board