



European Food Safety Authority

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EXECUTIVE OFFICE

Management Board  
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Parma

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| Subject :               | Draft decision concerning the adoption of implementing provisions of the Staff Regulations by analogy |                                 |
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**DRAFT**

**DECISION CONCERNING THE ADOPTION OF IMPLEMENTING PROVISIONS OF THE STAFF REGULATIONS BY ANALOGY**

THE MANAGEMENT BOARD OF THE EUROPEAN FOOD SAFETY AUTHORITY,

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

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, 26, and 48 thereof,

Having regard to Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials (hereinafter referred as ‘Staff Regulations’), 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 110 of the Staff Regulations thereof,

Having regard to the Decision of the Management Board of the European Food Safety Authority (hereinafter referred as “EFSA”) laying down transitional measures for implementing Article 110 of the Staff Regulations, adopted on 19 December 2013,

Having regard to the consultation with the EFSA Staff Committee concluded on 25 April 2014,

Whereas:

- (1) As of 1 January 2014, the amendments to the Staff Regulations of Officials, introduced by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013,<sup>3</sup> apply.
- (2) According to Article 110 of the Staff Regulations, as a rule, the implementing rules adopted by the Commission to give effect to the Staff Regulations shall apply by analogy to the agencies nine months after the date on which the Commission informed the agencies of their adoption. An agency may also decide that such implementing rules are to enter into force at an earlier date (Article 110(2), first and second subparagraphs).
- (3) By way of derogation to this general rule, within the nine-month period and after consulting its Staff Committee, an agency may submit to the Commission for its agreement implementing rules different from those adopted by the Commission.
- (4) On 19 December 2013, the Management Board of EFSA adopted a Decision laying down transitional measures for implementing Article 110 of the Staff Regulations. According to the latter, certain implementing rules adopted by the Commission were applied to EFSA on an interim basis to avoid legal gaps pending further analysis by EFSA of the need to submit to the Commission for its agreement implementing rules which are different from those adopted by the Commission and/or request for the non-application to EFSA of

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

<sup>2</sup> OJ 45, 14.6.1962, p. 1385, as last amended.

<sup>3</sup> Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union, OJ 287, 29.10.2013, p. 15.

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certain implementing rules.

- (5) On 11 February 2014, the EFSA Staff Committee was consulted on the implementing rules to be followed by the Authority, and EFSA reached a conclusion on the implementing rules to be applied by analogy.
- (6) In this context, it is also appropriate to ensure that application of implementing rules adopted by the Commission which are no more in force following the entry into force of the amendments to the Staff Regulations will cease,

HAS DECIDED AS FOLLOWS:

**ARTICLE 1**

The implementing provisions of the Staff Regulations and the Conditions of Employment listed in Annex I to the present Decision shall apply by analogy to EFSA as of 1 October 2014.

**ARTICLE 2**

The Decisions listed in Annex II to the present Decision shall be partially repealed. The Decisions listed in Annex III to the present Decision shall be fully repealed.

**ARTICLE 3**

Article 2 of the present Decision shall enter into force on the day of the signature of the present Decision.

Submitted for adoption in Parma on 26 June 2014

For EFSA's Management Board

Sue Davies  
Chair of the Management Board

**ANNEX I**

1. 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,
2. 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,
3. 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,
4. 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,
5. 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,
6. Commission Decision of 16.12.2013 on leave C(2013) 9051,
7. 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,
8. 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,
9. Commission Decision of 16.12.2013 on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work C(2013) 9046,
10. 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,
11. Commission Decision of 16.12.2013 on reimbursements due to officials assigned to non-member countries C (2013) 8990,
12. Commission Decision of 18 December 2009 concerning the implementation of teleworking in Commission departments from 2010 to 2015 C(2009)10224 as amended by Commission Decision C(2013) 9045 of 16 December 2013,
13. Commission Decision of 16.12.2013 on outside activities and assignments C(2013) 9037,
14. 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,
15. Commission Decision of 16.12.2013 on rules for the implementation of housing policy in EU delegations C(2013) 8965,
16. 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,
17. 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,
18. 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,

**ANNEX II**

1. With reference to Decision of the Executive Director of the European Food Safety Authority concerning the adoption of implementing provisions of the Staff Regulations by analogy, dated 21 October 2011:
  - Item 7 – Commission Decision C(2004) 1313 of 7 April 2004 on general implementing provisions for the grant of education allowance (Article 3 of Annex VII to the Staff Regulations) Administrative Notice No 53-2004 of 4.6.2004)
  - Item 8 – Commission Decision C(2004) 1364 of 15 April 2004 on general implementing provisions for giving effect to Article 7(3) of Annex VII to the Staff Regulations on determining the place of origin (Administrative Notice No 57-2004 of 8.6.2004)
  - Item 9 – Commission Decision C(2004) 1588 of 28 April 2004 on general provisions giving effect to Article 8 of Annex VII to the Staff Regulations (Administrative Notice No 56-2004 of 7.6.2004)
  - Item 12 – Commission Decision C(2004) 1588 of 28 April 2004 on general implementing provisions on the early retirement of officials and temporary agents without reduction of pension rights (Administrative Notice No 63-2004 of 11.6.2004)
  - Item 14 – Commission Decision C(2004) 1597 of 28 April 2004 on outside activities and assignments (Administrative Notice No 85-2004 of 29.6.2004)
  - Item 15 - Commission Decision C(2010) 7495 of 5 November 2010 on implementing provisions on leave (Administrative Notice No 72-2010 of 13.12.2010)
  - Item 19 - Commission Decision C(2010) 7573 of 5 November 2010 on Article 55a of the Staff Regulations and Annex Iva thereto concerning part-time work (Administrative Notice No 72-2010 of 13.12.2010)
2. Decision of the Executive Director of the European Food Safety Authority of 22.04.2008 on general provisions for implementing Article 43 of the Staff Regulations

**ANNEX III**

1. Decision of the Executive Director of the European Food Safety Authority of 12.12.2013 concerning teleworking at EFSA (EFSA/HUCAP/DEC/059/2013)
2. Decision of the Executive Director of the European Food Safety Authority of 06.10.2010 on measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff at EFSA