



Implementing Rules of SR & CEOS

Management Board Meeting
20 June 2018

ARTICLE 110 ROLES



Article **110** SR is to ensure consistent implementation of staff rules across agencies (i.e. application by analogy of EC rules) while allowing for their specific needs to be addressed (i.e. individual derogations, agency model rules, opts-out, ad hoc rules)



The Standing Working Party (Agencies + European Commission) develops common positions for agencies and negotiates agency model rules with the EC



Executive Director has been delegated by the Management Board the power of **representing EFSA in negotiations** with the EC (through the SWP mainly)



Management Board responsible for **adoption** of the Implementing Rules applied in EFSA, based on the proposal of the Executive Director and following consultation of the **Staff Committee (SC)**

EFSA
decision-
making
process

I. MISSION GUIDE – BY ANALOGY

- On 2/10/2017 COM notified to agencies the new **Commission** Mission Guide
- Application **by analogy** by agencies **strongly advised** by DG HR since the EC Mission Guide is considered adapted to agencies' needs (no willingness to agree to derogation or model decision)
- DG HR provided **guidance** on how to **resolve issues** stemming from the application of the EC Mission Guide to agencies
- **Interpretative document** to be adopted by EFSA based on the guidance of DG HR
- **Staff Committee**
 - Agreement to the application by analogy
 - Requested and received clarification of the process for formalising the interpretation provided by DG HR

I. MISSION GUIDE – MAIN CHANGES 1

- New category: **authorised travel**
 - **mission** (existing) → travels away from the place of employment **solely** in the **interests of the service**, on the instructions of a line manager
 - **authorised travel** (new) → travels on a **voluntary** basis, away from EFSA building, primarily in the **individual** interests which also involves **some benefit for the service**, covered by **authorisation** to travel
- EFSA will continue to cover **all costs** of authorised travels in **full** to avoid (perceived) CoI → no change to the workflow

I. MISSION GUIDE - MAIN CHANGES 2

- **Rest** period may be granted for flights cumulatively lasting 10 or more hours
- Price comparison required for **any** adaptation of the mission timetable due to **personal reasons** (before, only for adaptation of above 3d)
- Transport
 - use of **taxi** limited to *force majeure* and for security reasons (before any time outside notional hours)
 - increased **kilometric allowance** for personal car
- Daily allowance - different calculation **after 24h**
- Accommodation - **hotel** bill including **breakfast**, hotel ceiling increased and DA decreased
- **Long-stay** mission
 - $\geq 60d$ (before, mission ≥ 4 weeks)
 - accommodation and DA **decreased** as of 60th day unless derogation granted (before, decrease only optional upon decision of the AO)

II. GUIDELINES ON WHISTLEBLOWING

- Key aspect of the EFSA **ethical conduct**
- Legal **obligation** to report (Art. 22a and 22b SR)
- **What** – Fraud, corruption, serious professional wrongdoing discovered in the course of or in connection with their duties
- **How** – without delay and in writing
- Agreement by the Staff Committee

II. REPORTING PROCEDURES

■ Internal

- direct superior or the ED, or → OLAF
- Chair of the Management Board → OLAF
- OLAF

■ External

- If EFSA or OLAF does take appropriate action within a given period of time set by EFSA or OLAF → President of either the Commission, the Council, the Parliament or the Court of Auditors, or to the European Ombudsman

II. PROTECTION OF WHISTLEBLOWER

- If in good faith, protection against **any** acts of **retaliation** (burden of proof on the person taking adverse measure against w.)
- Ensured even if honest concern turned out to be **unfounded**
- Continues in case of **external** reporting
- **Confidentiality of identity** (without strict need to know)
- **Mobility**
- **Appraisals and promotion/reclassification** (MB Commission's representative as possible appeal assessor)

II. FEEDBACK, GUIDANCE, RAISING AWARENESS

- Feedback to whistleblower
 - OLAF or the EFSA must, within 60 days, give the whistleblower an indication of the time needed to take appropriate action
 - If not respected or time considered unreasonable → possibility to use external procedure
 - Appropriate action decided by EFSA or OLAF
- Guidance and support provided by HUCAP, Ethics Adviser and line managers
- Communication to the staff and regular raising awareness sessions