



## **DECISION**

<b>EFSA – European Food Safety Authority</b>	<b>Decision of the Management Board on the adoption by analogy at an earlier date of Commission Decision C(2021)8179 of 16 November 2021 laying down general implementing provisions regarding the payment of the education allowance provided for in Article 15 of Annex X to the Staff Regulations to staff members for the duration of temporary assignments to the seat of the institution or any other place of employment in the Union</b>	<b>Decision No.: mb220629-a5</b>
	<b>Effective Date: 30 June 2022</b>	<b>Supersedes: N/A</b>

<b>Approvals</b>	Signature	Name
Originator		Bernhard Url
Management Board	See Decision	Aivars Bērziņš (Chair of the Management Board)

<b>Introduction</b>	<p>On 16 November 2021, the Commission adopted a decision on the new implementing rules on the payment of the education allowance foreseen in Article 15 of Annex X of the Staff Regulation. This decision was notified to EFSA on the 9 February 2022.</p> <p>The present decision aims, in line with the Article 110 of the Staff Regulation, at making the notified Commission Decision enter into force at a date earlier than nine months after notification of the Decision to EFSA. It entails the adoption of the implementing rules by analogy and shall enter into force the day following the date of its adoption.</p>
<b>Description</b>	<p>The present decision establishes rules governing the payment of the education allowance provided for in Article 15 of Annex X to the Staff Regulations to staff members for the duration of temporary assignments to the seat of the institution or any other place of employment in the Union.</p>
<b>References</b>	<p>Regulation (EC) No 178/2002</p> <p>Staff Regulations of Officials of the European Union and Conditions of Employment of Other Servants of the European Union</p>
<b>Abbreviations</b>	<p><i>See Decision</i></p>



**DECISION OF THE EUROPEAN FOOD SAFETY AUTHORITY  
ON THE APPLICATION BY ANALOGY AT AN EARLIER DATE OF THE COMMISSION DECISION  
LAYING DOWN GENERAL IMPLEMENTING PROVISIONS REGARDING THE PAYMENT OF THE  
EDUCATION ALLOWANCE PROVIDED FOR IN ARTICLE 15 OF ANNEX X TO THE STAFF  
REGULATIONS TO STAFF MEMBERS FOR THE DURATION OF TEMPORARY ASSIGNMENTS TO  
THE SEAT OF THE INSTITUTION OR ANY OTHER PLACE OF EMPLOYMENT IN THE UNION**

THE MANAGEMENT BOARD OF THE EUROPEAN FOOD SAFETY AUTHORITY,

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

Having regard to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants as laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>, and in particular Article 110 of the Staff Regulations and Article 3 of Annex X thereto, in conjunction with Article 10(5) and Article 118 of the Conditions of Employment of Other Servants, Having regard to the opinion of the Staff Committee,

Having regard to European Parliament and Council Regulation (EC) No 178/2002 of 28 January 2002 establishing the European Food Safety Authority ('EFSA') and laying down procedures in relation to food safety<sup>2</sup> and in particular Articles 25, 26 and 48,

Having regard to the Decision of the EFSA Management Board of 26 June 2014 concerning the delegation of specific powers to the Executive Director within the context of Article 110 of the Staff Regulations,

Having regard to the rules of procedure of EFSA's Management Board<sup>3</sup> and in particular Article 8 thereof,

After consulting the Staff Committee,

Whereas:

- (1) According to Article 110 of the Staff Regulations, as a rule, the implementing rules adopted by the Commission to give effect to those 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 in force at an earlier date.
- (2) On 16 November 2021, the Commission adopted a decision on the new implementing rules on the payment of the education allowance foreseen in Article 15 of Annex X of the Staff Regulation. This decision was notified to EFSA on 9 February 2022.
- (3) In order to align EFSA legal framework to the Commission Decision as regards payment of the education allowance provided for in Article 15 of Annex X to the Staff Regulations to staff members for the duration of temporary assignments to the seat of the institution or any other place of employment in the Union, it is appropriate to apply Commission Decision C(2021)8179 by analogy at a date earlier than nine months after the notification of this Decision to EFSA.

HAS DECIDED AS FOLLOWS:

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

<sup>2</sup> OJ L 31, 1.2.2002, p.1, as last amended.

<sup>3</sup> mb 27 06 13 – Revised Management Board Rules of Procedure – ADOPTED.



*Sole Article*

1. Commission Decision C(2021)8179 of 16 November 2021 laying down general implementing provisions regarding the payment of the education allowance provided for in Article 15 of Annex X to the Staff Regulations to staff members for the duration of temporary assignments to the seat of the institution or any other place of employment in the Union shall apply by analogy to EFSA.
2. The present Decisions shall enter into force on the day following the date of its adoption.

Adopted in Parma on 29 June 2022  
For EFSA's Management Board

**[NOT SIGNED]**

Aivars Bērziņš  
Chair of the Management Board

DRAFT



Brussels, 16.11.2021  
C(2021) 8179 final

## COMMISSION DECISION

of 16.11.2021

**laying down general implementing provisions regarding the payment of the education allowance provided for in Article 15 of Annex X to the Staff Regulations to staff members for the duration of temporary assignments to the seat of the institution or any other place of employment in the Union**

## COMMISSION DECISION

of 16.11.2021

**laying down general implementing provisions regarding the payment of the education allowance provided for in Article 15 of Annex X to the Staff Regulations to staff members for the duration of temporary assignments to the seat of the institution or any other place of employment in the Union**

THE EUROPEAN COMMISSION,

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

Having regard to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants as laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>, and in particular Article 110 of the Staff Regulations and Article 3 of Annex X thereto, in conjunction with Article 10(5) and Article 118 of the Conditions of Employment of Other Servants,

Having regard to the opinion of the Staff Committee,

Having regard to the opinion of the Staff Regulations Committee,

Whereas:

- (1) Annex X to the Staff Regulations sets out special and exceptional provisions applicable to officials of the Union serving in a third country. Article 2 of that Annex provides for a mobility procedure, whereby officials serving in a third country are to be transferred periodically in the interests of the service.
- (2) Article 3 of Annex X to the Staff Regulations provides that the officials may be reassigned temporarily to the seat of the institution or any other place of employment in the Union under the mobility procedure. Such assignments may not be for more than four years.
- (3) As regards contract staff, Article 3a(1), last subparagraph, of the Conditions of Employment of Other Servants provides that staff engaged for the performance of full-time or part-time duties in Union delegations may be temporarily assigned to the seat of the institution under the mobility procedure. The duration of such temporary assignment is limited to four years, in accordance with Article 118 of the Conditions of Employment of Other Servants and Article 3 of Annex X to the Staff Regulations. At the end of that period, the contract staff member is obliged to accept a new assignment to a Union delegation, as provided for in Article 3 of the Commission Decision on the mobility of European Commission contract staff posted to European Union delegations<sup>2</sup>.
- (4) The appointing authority may decide that staff members are to remain subject to certain provisions of Annex X to the Staff Regulations for the duration of temporary assignments, including Article 15 of that Annex, which provides for payment of an education allowance.

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

<sup>2</sup> C(2020) 997 final of 26.2.2020

- (5) In the interest of legal certainty, it is necessary to lay down general implementing provisions specifying the conditions under which that education allowance may be granted.

HAS DECIDED AS FOLLOWS:

*Article 1*  
*Subject matter and scope*

This Decision applies to officials, temporary agents and contract agents (staff members) who have been temporarily assigned to the seat of the institution or any other place of employment in the Union, within the framework of the mobility exercise after a period of posting in a Union delegation.

*Article 2*  
*Grant of education allowance provided for in Article 15 of Annex X to the Staff Regulations*

1. During temporary assignment as referred to in Article 1 of this Decision, a staff member may request to receive the education allowance provided for in Article 15 of Annex X to the Staff Regulations (“the education allowance”).
2. The appointing authority or the authority empowered to conclude contracts of employment may decide to grant the education allowance, if the following conditions are fulfilled:
  - (a) the staff member concerned received that education allowance, in respect of the dependent child in question, prior to the temporary assignment;
  - (b) the dependent child in question will be registered at a school for the penultimate or last year of secondary school at the beginning of the temporary assignment of the staff member concerned;
  - (c) the staff member concerned actually incurs education costs in relation to the full time attendance of the dependent child concerned at a secondary school;
  - (d) the staff member concerned is able to take up another posting in a Union delegation.
3. The education allowance may be granted for as long as the dependent child continues full time attendance in the penultimate or last year of secondary school, if the conditions laid out in paragraph 2 are still fulfilled, for a maximum of four years in total.
4. By way of derogation from paragraph 2(b) and paragraph 3, contract staff who are temporarily assigned may benefit from the education allowance for a maximum of four years, for children attending secondary school full time, including if the child in question is not enrolled at secondary school at the beginning of the temporary assignment, but is subsequently enrolled at secondary school during the period of the temporary assignment of the contract staff concerned.
5. The education allowance granted per child shall in no circumstances exceed three times the doubled maximum education allowance.

*Article 3*  
*Final provisions*

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

Done at Brussels, 16.11.2021

*For the Commission*  
*Jutta URPILAINEN*  
*Member of the Commission*