



**Governing Board decision empowering the Executive Director to request the Commission's agreement to the non-application of Commission Decision C(2017)6760 of 16 October 2017 governing the conditions of employment of contract staff**

THE GOVERNING BOARD OF THE CLEAN SKY 2 JOINT UNDERTAKING,

Having regard to the Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>, and in particular Article 110(2) of the Staff Regulations,

Having regard to Council Regulation (EU) No 558/2014 of 6 May 2014 establishing the Clean Sky 2 Joint Undertaking ("CS2JU"), and in particular Article 6(3) thereof,

Having regard to Communication C(2014)6543 final of 26 September 2014 from Vice-President Šefčovič to the Commission on the guidelines on the implementation of Article 110(2) of the Staff Regulations with regard to the implementing rules applicable in the agencies, and in particular Points 2.B and 3.2.1 thereof,

Having regard to the CS2JU Governing Board Rules of Procedure, and in particular Article 8 thereof,

After consultation with the Staff Committee,

Whereas:

- 1) Article 110(2) of the Staff Regulations states that implementing rules adopted by the Commission to give effect to these Staff Regulations apply by analogy to the Agencies and Joint Undertakings. Such implementing rules enter into force nine months after their entry into force at the Commission or nine months after the date on which the Commission informed the Joint Undertaking of the adoption of the respective implementing rule, whichever is later.
- 2) Article 110(2) of the Staff Regulations also states that by way of derogation, a Joint Undertaking may, before the expiry of the nine-month period and after consulting its Staff Committee, request the agreement of the Commission on the non-application of certain of those implementing rules (opt-out);

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<sup>1</sup> OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15.



- 3) On 6 March 2009, the Clean Sky Joint Undertaking Governing Board adopted decision n° CSGB/0109/002 on General implementing provisions on the procedures governing the engagement and use of contract staff at the Joint Undertaking;
- 4) On 19 October 2017, the Commission informed CS2JU that it adopted Decision C(2017)6760 of 16 October 2017 on the general provision of implementing Article 79(2) of the Conditions of Employment of Other Servant of the European Union, governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof;
- 5) Specific model decisions on those matters are being drafted for Agencies and Joint Undertakings;
- 6) Pending the Commission agreement on those model decisions, the CS2JU needs to request derogation from the application by analogy of the Commission Decision listed in the Annex to this Decision;

HAS DECIDED AS FOLLOWS:

*Article 1*

The Governing Board empowers the Executive Director to request the Commission's agreement to the non-application by analogy of the Commission Decision listed in the Annex.

*Article 2*

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

Done at Brussels on 5 April 2018



Ric Parker

Chairman of the Governing Board

Annex: List of implementing rules giving effect to the Staff Regulations for which an opt-out shall be requested



## **Annex**

### **List of implementing rules giving effect to the Staff Regulations for which an opt-out shall be requested**

- Commission Decision C(2017) 6760 of 16 October 2017 on the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof.