



## **DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING**

### **Delegating the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority empowered to conclude contracts of employment to the Executive Director of the ECSEL Joint Undertaking**

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

Having regard to the Staff Regulations of Officials (Staff Regulations) and the Conditions of Employment of Other Servants of the European Union (CEOS), and in particular to Articles 2 (1), 110 (2) of the Staff Regulations and Article 6 of the CEOS,

Having regard to Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking, and in particular Article 6 thereof,

Having regard to the Rules of Procedure of the ECSEL Governing Board, and in particular Article 7 thereof,

Having regard to decision ECSEL GB 2014.04, adopted on 3 July 2014, delegating the powers of Appointing Authority and Authority Empowered to Conclude Contract of Employment to the Executive Director of the ECSEL Joint Undertaking,

The Staff Committee of the ECSEL JU, which is to be consulted pursuant to Article 110 (2) of the Staff Regulations, has not yet been constituted and it is therefore impossible at the present to comply with the requirements of that provision. The Staff Committee will be invited to give its opinion on the relevant implementing rules when it has been constituted and due consideration will be given to any such opinion. The Governing Board is entitled in such circumstances to approve the rules forthwith,

In agreement with the European Commission pursuant to Article 110 (2) of the Staff Regulations,

WHEREAS:

- (1) By virtue of Article 6.2 Council Regulation (EU) No 561/2014, the powers of the Appointing Authority and the Authority empowered to conclude contracts of employment are conferred on the Governing Board of the ECSEL Joint Undertaking,
- (2) Article 6.2 of Council Regulation (EU) No 561/2014 provides that the Governing Board shall adopt, in accordance with Article 110(2) of the Staff Regulations, a decision delegating the relevant powers of the Appointing Authority and the Authority empowered to conclude contracts of employment to the Executive Director,
- (3) Pursuant to Article 110 (2), 6<sup>th</sup> subparagraph, of the Staff Regulations, the Governing Board shall adopt the implementing rules to the Staff Regulations,
- (4) Decisions on the daily management of the Joint Undertaking, and in particular decisions in individual staff matters need to be taken at the most appropriate level,
- (5) The Executive Director manages the Joint Undertaking and is in particular responsible for the day-to-day administration of the Joint Undertaking,
- (6) It is therefore necessary to adopt a decision delegating the relevant competences in the area of staff management to the Executive Director,

HAS DECIDED AS FOLLOWS:

*Article 1*

The present decision concerns the exercise of the Appointing Authority and the Authority empowered to conclude contracts of employment powers in respect of the Joint Undertaking staff except the Executive Director.

It shall repeal and replace decision ECSEL GB 2014.04.

*Article 2*

1. In respect of the Joint Undertaking staff, the powers conferred by the Staff Regulations on the Appointing authority and by the CEOS on the Authority empowered to conclude contracts of employment are delegated to the Executive Director of the Joint Undertaking, except the adoption of implementing rules to give effect to the Staff Regulations or to the CEOS.
2. These powers are conferred on the Executive Director without prejudice to those of the Governing Board as provided in Council Regulation (EU) No 561/2014.
3. Decisions on selection, extension of contract, termination of contract and reclassification of the accounting officer shall be subject to approval by the Governing Board.

4. The powers referred to in paragraph 1 concerning Article 90(2) of the Staff Regulations are exercised by the Governing Board when the contested decision was taken at the level of the Executive Director of the Joint Undertaking.

*Article 3*

1. The Executive Director may sub-delegate the powers referred to in Article 1.
2. Agents to whom powers are sub-delegated under paragraph 1 shall be designated by appropriate criteria, such as their function group and assignment to an organisational entity, by the job they hold or *ad personam*.
3. Sub-delegations shall be brought to the attention of the staff in a suitable form.
4. If a person on whom powers have been conferred under Article 2 or under paragraph 1 of this Article is unable to act, those powers shall be exercised in accordance with the rules on deputising set out in the Joint Undertaking's internal rules.

*Article 4*

In exceptional cases, the Governing Board may temporarily suspend the delegation of powers as referred to in Articles 2 and 3 and exercise these powers itself or delegate them to one of the Governing Board members or to a staff member of the Joint Undertaking other than the Executive Director. These powers may then be sub-delegated as necessary.

*Article 5*

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

Done at Brussels on, 5 November 2014

For the Governing Board

*(signed)*

Heinrich Daembkes  
Chairperson of the Governing Board