

**DECISION 09/2020 OF
THE GOVERNING BOARD OF THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY (EIT)**

**TO REQUEST COMMISSION'S FORMAL AGREEMENT TO THE ADOPTION OF EIT – SPECIFIC
IMPLEMENTING RULES ON THE ENGAGEMENT AND USE OF TEMPORARY AGENTS UNDER
ARTICLE 2(F) OF THE CEOS**

THE GOVERNING BOARD OF THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY,

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 259/68¹, and in particular to Article 110(2) Staff Regulations and Articles 2(f) and 56 of the CEOS;

Having regard to Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology², as amended by Regulation (EU) No 1292/2013 of the European Parliament and of the Council of 11 December 2013 ('EIT Regulation'), in particular, Section 5(1) of the Statutes annexed to the EIT Regulation³;

Having regard to point 3.2.1 B a) and e) of the Guidelines on the implementation of Article 110(2) of the Staff Regulations applicable to the current case by virtue of points 3.3.B and 3.4 of the mentioned Guidelines⁴;

Having regard to the EIT request submitted by EIT to the Commission on 23 February 2017 regarding general implementing provisions on the engagement and use of temporary staff Art 2(f) CEOS;

Having regard to the reply from the Commission of 17 July 2017 to the EIT request of 23 February 2017 encouraging the EIT to draft general implementing provisions on the engagement and use of temporary staff Art 2(f) CEOS adapted to EIT's Founding Regulation;

After consulting the Staff Committee;

WHEREAS

- 1) On 4 March 2015, the Commission gave to the decentralised agencies and joint undertakings, by means of Commission Decision of 4.3.2015 an ex ante agreement regarding implementing rules giving effect to Article 56 of the CEOS, to adopt the Model decision laying down general implementing provisions on the procedure

¹ OJ L 56 of 4.3.1968, p.1.

² OJ L97 of 09.04.2008, p. 1.

³ OJ L347 of 20.12.2013, p. 174.

⁴ OJ C 2014 6543 of 26.9.2014

governing the engagement and use of temporary staff under Article 2(f) of the CEOS as regards decentralised agencies and joint undertakings laid down in Annex I of Commission Decision of 4.3.2015⁵.

- 2) The above mentioned model decision includes provisions according to which agencies are obliged to offer indefinite period contracts to staff members who are successful in a selection procedure and who have an indefinite period contract in another agency. These provisions are in contradiction with the EIT's Funding Regulations which excludes the engagement of staff members for an indefinite period.
- 3) By letter dated 23 February 2017, the EIT notified DG HR its intention to adopt its own implementing provisions on the engagement and use of temporary staff Art 2(f) CEOS adapted to EIT's Founding Regulation. The Commission replied to the EIT note by letter dated 17 July 2017 clarifying the procedure to be followed in this case according to the Guidelines on the implementation of Article 110(2) Staff Regulations.
- 4) In light of the above, the EIT should launch the procedure described in point 3.2.1.B a) and e) of the Guidelines on the implementation of Article 110(2) of the Staff Regulations applicable to the current case by virtue of points 3.3.B and 3.4 of the mentioned Guidelines.
- 5) Article 110(2) of the Staff Regulations states that an agency may also, after consulting its Staff Committee, submit to the Commission for its agreement implementing rules for its agreement implementing rules which are different from those adopted by the Commission.
- 6) With this aim, the Governing Board of the EIT must empower the Director of the EIT to request Commission's formal agreement under Article 110(2) of Staff Regulations to adopt the proposed draft implementing rules on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of other servants of the European Union. Once the EIT receives Commission's formal agreement, the Governing Board adopts the rules for which the Commission has given its agreement.
- 7) The Staff Committee has been consulted and agreed to request Commission's formal agreement to the adoption of EIT specific implementing rules on the use and the engagement of temporary agents under Article 2(F) of the CEOS.

HAS DECIDED AS FOLLOWS:

⁵ Brussels, 4.3.2015 C(2015) 1509 final

Article 1

To empower the Director of the EIT to request Commission's formal agreement to adopt the proposed implementing rules on the use and engagement of temporary agents under Article 2(f) of the CEOS annexed to this decision.

Article 2

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

Done at Budapest, on 8 June 2020

For the Governing Board

[Signed]

*Dirk Jan van den Berg
Chairman of the EIT Governing Board*