

DECISION
ADB(D)-05-2011

Setting-up of a Staff Committee

THE ADMINISTRATIVE BOARD OF THE SESAR JOINT UNDERTAKING (SJU),

Having regard to:

1. The Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities laid down by Council Regulation (EEC, Euratom, ECSC) No 259/681, and in particular Article 9, 10 and 10a of the Staff Regulations, and Article 1 of Annex II, concerning the Staff Committee;
2. The Council Regulation (EC) n° 219/2007 of 27 February 2007 on establishment of a joint undertaking to develop the new generation European air traffic management system (SESAR) as modified by the Council Regulation n° 1361/2008 of 16 December 2008 and in particular Article 2a thereof;
3. The AGREEMENT of the European Commission pursuant to Article 110 of the Staff Regulations notified to the SJU on 6 May 2011;

Whereas:

1. The Staff Committee shall represent the interests of the staff vis-à-vis the SESAR Joint Undertaking and shall provide a channel for the expression of opinion by staff;
2. Joint undertakings shall adopt the appropriate implementing rules for giving effect to these Staff Regulations, after consultation of the relevant Staff Committee;
3. The Staff Committee shall ensure the fair representation of staff of the Joint Undertaking;

In its ordinary meeting of 1st July 2011, **HAS DECIDED AS FOLLOWS:**

¹ OJ L 56 of 4.3.1968, p. 1.

² Council Regulation (EC) n° 219/2007 of 27 February 2007, OJ L 64, 02/09/2007, p.1 - 11, modified by Council Regulation (EC) n° 1361/2008 of 16 December 2008, OJ L 352, 31/12/2008, p.12.

Article 1

Purpose and scope

1. The Staff Committee shall represent the interests of the staff vis-à-vis the SESAR Joint Undertaking and maintain continuous contact between the SESAR Joint Undertaking and its staff. It shall contribute to the smooth running of the Joint Undertaking by providing a channel for the expression of opinion by staff.
2. Staff shall be understood as defined by art.1a of the Staff Regulations and 2 and 3a of the Conditions of Employment of Other Servants.

Article 2

Tasks

1. The Staff Committee shall bring to the notice of the Executive Director of the Joint Undertaking or other persons designated by him/her any difficulties having general implications concerning the interpretation and application of the Staff Regulations. It may be consulted on any difficulty of this kind.
2. The Staff Committee shall submit to the Executive Director suggestions concerning the organisation and operation of the SESAR Joint Undertaking's services and proposals for the improvement of staff working conditions or general living conditions.

Article 3

Social welfare bodies

The Staff Committee shall participate in the management and supervision of social welfare bodies set up by the SESAR Joint Undertaking in the interests of its staff. It may, with the consent of the Executive Director, set up such welfare bodies.

Article 4

Consultation on implementing rules

The Staff Committee shall be consulted regarding the appropriate implementing rules giving effect to the Staff Regulations within the SESAR Joint Undertaking as laid down in Article 110 (1) of the Staff Regulations.

Article 5

Composition

1. The composition of the Staff Committee shall properly reflect the current situation within the SESAR Joint Undertaking
2. The Staff Committee shall consist of 2 members and 1 alternate member representing to the best possible way the different types and categories of staff engaged by the Joint Undertaking.

Amongst the three members of the staff committee, at least one must be an official AD, or a temporary agent AD or a contractual agent GF IV and one must be an official AST, or a temporary agent AST or a contractual agent GF I, GF II or GF III.

3. The alternate member shall replace a full member during the period that the latter is unable to perform his/her duties.

Article 6

Rights and obligations

1. The duties undertaken by members of the Staff Committee shall be deemed to be part of their normal service in the SESAR Joint Undertaking.
2. The fact of performing such duties shall in no way be prejudicial to the person concerned.
3. Membership in the Staff Committee does not constitute a special standing with regard to the extension of an employment contract limited in time.

Article 7

Term of office

1. The term of office of the Staff Committee shall be 3 years.
2. The Staff Committee shall appoint a Chairman amongst its full members.
3. The term of office of a member of the Staff Committee shall cease in particular upon death, resignation from the Committee, or termination of employment with the SESAR Joint Undertaking.
4. A full member shall automatically be replaced in the event of his/her departure by the alternate candidate. The latter will be replaced automatically by the candidate who obtained the highest number of votes among the candidates not elected at the last election. If a new departure occurs among the members, the candidates who obtained the highest number of votes among the candidates not elected at the last election become full member and alternate member of the staff committee. In case there are no other candidates, a new election shall be organised.
5. Any member of the Staff Committee who changes function group or type of staff during his/her term of office shall remain in office until expiry of the term of the Staff Committee.
6. In the event of collective resignation of the Staff Committee or a successful motion of no-confidence, the Appointing Authority shall then organise new elections as soon as possible according to the electoral rules.
7. If the term of office of the Staff Committee expires before a new Committee has been elected, the sitting members shall remain in office until replaced by newly elected members in order to deal with ongoing affairs.

Article 8

Internal rules of procedure

1. The Staff Committee shall adopt its own rules of procedure, which shall be notified to the Executive Director and to staff. These rules may determine the distribution of duties among its members and shall allow the Committee to work by written procedure.
2. The Staff Committee and the Executive Director shall meet at least two times a year and at the request of the Staff Committee or the Executive Director, at any time on any urgent matter
3. The Staff Committee shall meet at least every six months.

4. The Staff Committee shall convene a general meeting of staff at least once a year in order to present a report on its activities and propose its future action plans.
5. Meetings of the Staff Committee shall be competent to transact business only if all full members are present.
6. In case of disagreement between the members of the Staff Committee, a tied vote is possible.
7. The Staff Committee can be dismissed by a motion of no confidence approved by a simple majority of the staff entitled to vote. This motion of no confidence shall be organised and implemented in accordance with the rules applicable for elections following a written request of 10% of staff members.

Article 9

Consultation of the Staff Committee

1. When consulted, the Staff Committee shall have a period of fifteen working days to declare its position on relevant matters.
2. In case of urgent and exceptional matters, this period may be shortened on the basis of a consensus between the Chairman of the Staff Committee and the Executive Director but cannot fall under a minimum of 5 working days.
3. A tied vote can be delivered in case of disagreement of the members of the Staff Committee.
4. If no opinion has been delivered within the period prescribed or agreed, the SESAR Joint Undertaking shall take its decision.

Article 10

Resources

1. Subject to the agreement of the Executive Director, the Staff Committee shall be entitled to make use of the SESAR Joint Undertaking facilities for printing and communication, in order to perform its duties and to inform staff.
2. Missions carried out by members of the Staff Committee, in the exercise of their duties, shall be reimbursed according to the normal rules applied within the SESAR Joint Undertaking.

Article 11

Elections

1. The conditions for the election of the Staff Committee shall be laid down as rules of electoral procedure at a general meeting of the staff of the SESAR Joint Undertaking.³
2. The members of the Staff Committee shall be elected by a secret ballot of officials or other agents whose contracts are for an indefinite period or for one year or more, or whose contracts are for less than a year provided they have been employed for at least six months.
3. An official or other agent with an indefinite contract or whose contract is for one year or more shall be entitled to stand for elections to the Staff Committee.

³ Proposed rules governing the election of the Staff Committee are attached as Annex 1.

4. Elections shall be valid only if two-thirds of those entitled to vote take part. However, if this quorum is not attained, the second vote shall be valid if the majority of those entitled to vote take part. This second vote shall be organised immediately.

Article 12

Amendment to the rules

These rules may be amended:

- By decision of the Governing Board on the initiative of the Executive Director or,
- On request of the Staff Committee following agreement by a majority of two-thirds of the members present at the general meeting of staff duly convened for this purpose.

The proposed revised rules shall be submitted to the staff not less than five working days before the general meeting.

In any case they shall be submitted to the Commission according to Article 110 of the Staff Regulations.

This decision shall enter into force on the date of its adoption.

Done in Brussels, 1st July 2011.

For the Administrative Board



Matthias Ruete
The Chairperson

ANNEX 1

Proposal to the Staff Assembly of the SESAR Joint Undertaking Rules governing the election of the Staff Committee

Article 1

Election date

1. If the staff committee has already been established the date of elections shall be determined by the current staff committee.
2. For the first election of the staff committee, the date of elections shall be determined by the general meeting of staff of the SESAR Joint Undertaking duly convened by the Executive Director for this purpose at least 15 working days in advance.

Article 2

Election Organiser

1. The election proceedings shall be organised by a staff member designated by the Executive Director who shall act as Election Organiser.
2. The Election Organiser shall be an official, a temporary or a contract agent holding a contract valid on the election date.
3. The Election Organiser shall be excluded from nomination as candidate for those elections to the Staff Committee for which he/she was mandated to act.
4. The administration of the SESAR Joint Undertaking shall make available to the Election Organiser the administrative support necessary to ensure the smooth conduct of elections.

Article 3

Election Notice

25 working days before the election, the Election Organiser shall publish an election notice containing:

- The dates, place and time of elections,
- The premises in which the electoral activity will take place,
- A call for candidatures indicating the form in which these could be presented.

Article 4

Electoral roll

1. An electoral roll shall be published by the Election Organiser not later than 20 working days before the date of the election.
2. Objections concerning the electoral roll shall be presented in writing to the Election Organiser within five working days after publication of the list.
3. Decisions by the Election Organiser concerning objections to the list shall be communicated in writing to the interested parties within three working days after the presentation of the objection.
4. If the Election Organiser decides to overrule the objection, it shall state the reasons for its decision.
5. A decision upholding an objection as justified must be made public in the form envisaged for the publication of the electoral roll. This publication shall take place at least one day before the end of the period provided for in Article 5(2).

Article 5

Candidates

1. Officials and other agents of the SESAR Joint Undertaking as defined articles 2 and 3a of the Conditions of Employment of Other Servants whose contract is for one year or more shall be entitled to stand for elections.
2. Candidature shall be submitted in writing to the Election Organiser not later than 15 working days before the date of the election.
3. Each candidature shall contain the signature of the candidate.

Article 6

Checking candidatures

The Election Organiser shall check all candidatures. He/she shall reject those who do not fulfil the conditions laid down in Article 5.

Article 7

Publication of candidatures

A list of approved candidatures shall be published at least 10 working days before the elections, indicating the type and category/function group of staff to which each candidate belongs.

Article 8

Insufficient candidatures

1. If there are fewer than 4 candidates, the Election Organiser shall inform the voters and shall grant a further period of at least five working days for additional candidates to propose themselves.
2. The election day is postponed accordingly.
3. If the additional deadline expires without other candidates having presented themselves, a new election shall be organised without delay.

Article 9

Eligibility to vote

Officials or other agents whose contracts are for an indefinite period or for one year or more, or whose contracts are for less than a year provided they have been employed for at least six months are allowed to vote.

Article 10

Voting process

1. Those entitled to vote shall have one working day in which to cast their votes in the polling station designated in the election notice.
2. Each voter shall have no more than 3 votes to distribute between candidates. No more than one vote can be given to the same candidate.
3. The Election Organiser will give each voter a ballot-paper containing the names of candidates in alphabetical order and indicating the type and category/function group of staff to which each candidate belongs.
4. A ballot-paper containing more crosses than are allowed or any other writing, signature, erasure or mark whatsoever, shall be considered invalid.
5. Void or blank ballots-papers shall be taken into account for the purpose of the quorum referred to in Article 13.

Article 11

Counting the votes

1. When voters present their ballot papers, the Election Organiser shall enter their names in the list.
2. At the time laid down for voting to cease, the ballot box shall be closed and sealed. It shall then be brought to the premises assigned for the count, where it shall be opened by the Election Organiser.

3. The count shall be public.

Article 12

Successful candidates

1. In order to determine the composition of the Staff Committee according to Article 5 of the decision setting up the Staff Committee, candidates shall be placed on a list in the order of the number of votes they receive and the ones with the highest votes shall become members of the Staff Committee.
2. If two or more candidates receive the same number of votes, priority shall be given to the candidate with the greatest seniority in the SESAR Joint Undertaking and otherwise by age.
3. The full members must fulfil the condition of representation of the different types and categories of staff as stated in Article 5(2) of the Administrative Board Decision setting up a Staff Committee.

Article 13

Validity of the elections

1. The elections shall be valid only if:
 - At least two-thirds of the staff who are entitled to vote took part in the ballot,
 - 3 representatives (2 full members and 1 alternate) are elected.
2. If after voting the quorum specified in paragraph 1 above has not been reached, the voting period shall be extended ex officio for two working days.
3. If the conditions in paragraph 1 are still not met after the extended period laid down in paragraph 2, the Election Organiser shall set a date for a second round of voting without delay.
4. The second round of voting specified in paragraph (3) shall be valid if a majority of those entitled to vote take part.

Article 14

Results and report

1. The result of the elections shall immediately be made public by the Election Organiser and communicated to the Executive Director of the SESAR Joint Undertaking within three working days after the elections.
2. The Election Organiser shall draw up and sign a report on the conduct of the electoral procedure and the result of the elections immediately after the period established for challenging the procedures has expired.
3. The Election Organiser shall immediately forward to the Executive Director of the SESAR Joint Undertaking a copy of the election report and the names of the members of the Staff Committee. This report shall at the same time be communicated to the staff of the SESAR Joint Undertaking by the Election Organiser.

Article 15

Contestation of the election results

1. The validity of the elections may be challenged within three working days after publication of the results of the elections.
2. Any complaint shall be made in writing and shall be sent to the Election Organiser, who shall forward it without delay to the Executive Director.
3. Within 15 working days from the date on which the complaint was lodged and after having consulted the Election Organiser, the Executive Director shall communicate his decision to the complainant.