

Governing Board

DECISION GB(D)15-2021

on the delegation to the Executive Director of the SESAR 3 of the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants of the European Union on the Authority Empowered to Conclude Contracts of Employment

THE GOVERNING BOARD OF THE SESAR 3 JOINT UNDERTAKING ("SESAR 3 JU"),

Having regard to:

- Having regard to Council Regulation establishing the Joint Undertakings under Horizon Europe¹ (hereinafter referred to as "Single Basic Act"), and in particular Article 17.2 (h) and 17.4 thereof,
- Having regard to the Rules of Procedures of the Governing Board of SESAR 3 JU,
- Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants ('CEOS') of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68², and in particular Articles 2(1) of the Staff Regulations and Article 6 of the CEOS,
- Having regard to Article 110(2) of the Staff Regulations,
- After consulting the Staff Committee,

Whereas:

- (1) By virtue of Article 17.2 (h) of the Single Basic Act, the powers of the appointing authority and the authority empowered to conclude contracts of employment are conferred on the Governing Board of the SESAR 3 JU.
- (2) Pursuant to Article 17.4 of the Single Basic Act, the Governing Board adopts, in accordance with Article 110(2) of the Staff Regulations and the CEOS, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the CEOS delegating the relevant appointing authority powers to the Executive Director of the SESAR 3 JU and defining the conditions under which that delegation of powers can be suspended. The Executive Director is authorised to sub-delegate those powers and should inform the Governing Board of such sub-delegations.
- (3) Pursuant to Article 17.4 of the Single Basic Act, where exceptional circumstances so require, the Governing Board may decide to suspend temporarily the delegation of appointing authority powers to the Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Director. The exceptional circumstances are to be strictly limited to

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² OJ L 56, 04/03/1968, p.1

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administrative, budgetary or managerial matters, without prejudice to the Executive Director's full independence concerning his tasks pursuant to article 19 of the Single Basic Act.

- (4) Pursuant to the sixth subparagraph of Article 110(2) of the Staff Regulations and Article 17.2 (v) of the Single Basic Act, the Governing Board is to adopt, the implementing rules for giving effect to the Staff Regulations and the CEOS.
- (5) Decisions on the daily management of SESAR 3 JU, and in particular decisions in individual staff matters should be taken at the most appropriate level.
- (6) The Executive Director manages SESAR 3 JU and should be, in particular, responsible for the day-to-day administration of the Agency.
- (7) On the basis of Service Level Agreements, certain appointing authority powers of a technical nature could be sub-delegated by the Executive Director to the services of the European Commission services, in particular to the Paymaster's Office, the Directorate-General for Human Resources and Security or the Directorate-General for Budget, notably when those services are not available within SESAR 3 JU.
- (8) 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

This Decision concerns the exercise of the powers of the appointing authority and the authority empowered to conclude contracts of employment in respect of the staff of the SESAR 3 JU, except the Executive Director.

Article 2

1. Within the limits of Article 1, the powers conferred by the Staff Regulations on the appointing authority and by the CEOS on the authority empowered to conclude contracts of employment shall be delegated to the Executive Director of SESAR 3 JU, except for the adoption of the implementing rules to give effect to the Staff Regulations and the CEOS.
2. 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.

Article 3

1. Where exceptional circumstances so require, the Governing Board may, by way of a decision, suspend temporarily the delegation of appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive

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Director. The delegate shall report to the Governing Board on the exercise of such a delegation.

2. The exceptional circumstances referred to in paragraph 1 are to be strictly limited to administrative, budgetary or managerial matters, without prejudice to the Executive Director's full independence concerning his tasks pursuant to article 19 of the Single Basic Act.
3. The powers referred to in paragraph 1 may then be sub-delegated as necessary, in which case Article 3 shall apply *mutatis mutandis*.
4. The suspension shall be decided in accordance with the following provisions:
 - a. before adopting a decision on suspension, the Governing Board shall carefully consider any possible impacts on the functioning of the Agency. The suspension shall be limited to the duration and extent necessary to achieve its objective;
 - b. the decision on suspension shall be taken according to the voting rules of the Governing Board provided for in the Single Basic Act;
 - c. the decision on suspension shall be communicated to the Executive Director in writing and shall clearly define the powers being suspended, the exact duration of the suspension and any conditions thereto;
 - d. the decision on suspension shall automatically suspend any related sub-delegation, unless explicitly stated otherwise in the decision;
 - e. the decision on suspension shall specify who shall exercise the relevant powers during the period of suspension;
 - f. the decision on suspension shall be brought to the attention of staff in a suitable form.

Article 4

This Decision shall take effect on the day of its adoption. It shall be brought to the attention of the staff in a suitable form.

Done in Brussels, 14 December 2021.



For the SESAR 3 JU Governing Board

The Chairperson