

**DECISION**  
ADB(D)07-2014

**General Implementing Rules Following the Adoption of the New EC Staff Regulation Applicable to the SJU as of 1 January 2014**

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

Having regard to:

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

Having regard to 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<sup>3</sup> and in particular Article 2a thereof.

Having regard to the decisions of the Commission setting up implementing rules for the application of the amended Staff Regulations of Officials of the European Communities and the Conditions of Employment of other servants of the European Communities<sup>4</sup>.

After consultation of the SJU Staff Committee,

**Whereas:**

Whereas it is necessary, in accordance with Article 110 of the Staff Regulations for agencies to apply the appropriate Commission implementing rules or adopt the appropriate implementing rules for giving effect to these Staff Regulations, after consultation of the SJU Staff Committee.

**HAS DECIDED AS FOLLOWS:**

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<sup>1</sup> OJ L 56, 04/03/1968, p.1.

<sup>2</sup> Regulation N° 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of officials of the European Union and the Conditions of Employment of Other Servants of the European Union, OJ L 288, p. 32 and 33.

<sup>3</sup> 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.

<sup>4</sup> Regulation N° 1023/2013 p cit, OJ L 285, p. 15-62.

### Article 1

In accordance to the provisions of Article 110 paragraph 2 subparagraph 2<sup>5</sup>, the Commission Decisions listed in Annex I, as adopted by the Commission shall apply by analogy before the end of the nine months period and as of 1 January 2014 to the staff of the SESAR Joint Undertaking.

### Article 2

In accordance to the provisions of Article 110 paragraph 2 subparagraph 2<sup>6</sup> and following the Commission's recommendation, the Commission Decision laying down general provisions for implementing Article 45 of the Staff Regulations (C(2013) 8968 of 16 December 2013) shall apply mutatis mutandis before the end of the nine months period and as of 1 September 2014 to the staff of the SESAR Joint Undertaking. The technical modifications will be notified accordingly to the SJU staff.

### Article 3

In accordance to the provisions of Article 110 paragraph 2 subparagraph 2, the Commission Decisions of 3 May 2013 on general provisions for implementing Article 87 (3) of the Conditions of Employment of Other Servants of the European Union (C(2013) 2529 final of 3 May 2013) as amended by the Commission Decision of 7 April 2014 (C(2014) 222 final of 7 April 2014) shall apply mutatis mutandis before the end of the nine months period and as of 1 September 2014 to the staff of the SESAR Joint Undertaking. The technical modifications will be notified accordingly to the SJU staff.

### Article 4

In accordance to the provision of Article 110 paragraph 2 subparagraph 3, to request the Commission the non-application of the Commission Decision C(2013) 8995 of 16 December 2013 revised by the Commission Decision C(2014) 2502 of 15 April 2014 on working time to the SJU Staff on the basis that the SJU applies the Commission working time (40 hours per week) with flexible daily hours respecting the Commission core hours which allows the staff of the SESAR Joint Undertaking to benefit from a balance between work and personal life. The Commission flexitime scheme does not correspond to the SJU human resources management and the highly competitive SJU Programme.

### Article 5

In accordance to the provision of Article 110 paragraph 2 subparagraph 3, to request the non-application of the Commission Decision of 18 December 2009 concerning the implementation of teleworking in Commission departments from 2010 to 2015 (C (2009) 10224 of 18 December 2009 as amended by Commission Decision of 16 December 2013 C(2013)9045 final of 16 December 2013 and to adopt with the Agreement of the Commission the specific provisions in Annexe II which already apply to the staff of the SJU by Decision of the Executive Director since 2010.

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<sup>5</sup> Op cit, p.32.

<sup>6</sup> Op cit, p.32.

**Article 6**

In accordance to the provision of Article 110 paragraph 2 subparagraph 3, to request the Commission the non-application of the Commission Decisions listed in Annex III and to continue to apply the SJU decisions adopted by the SJU administrative Board in the field until the adoption of new provisions specific for the SJU taking into consideration the new category of temporary agent under article 2 f) of the CEOS and the extension of the duration of the SESAR Joint Undertaking as adopted by the Council Regulation (EU) 721/2014 of 16 June 2014.

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

Done in Brussels, 4 July 2014

*For the Administrative Board*

João Aguiar Machado  
*The Chairperson*



## Annex I

Commission decision of 16 December 2013 on introducing implementing provisions on leave (C(2013) 9051 of 16 December 2013).

Commission Decision of 16 December 2013 on Article 55a of the Staff Regulation and Annex IVa thereto concerning part-time work, (C(2013) 9046 of 16 December 2013).

Commission Decision of 16 December 2013 on maternity leave and maternity pay for women whose maternity leave begins before the end of their contract (Articles 17 and 91 of CEOS) (C(2013) 9020 of 16 December 2016).

Commission Decision of 16 December 2013 laying down general implementing provisions concerning the criteria applicable to classification in step on appointment or engagement (C(2013) 8970 of 16 December 2013).

Commission Decision of 16 December 2013 on outside activities and assignments (C(2013) 9037 of 16 December 2013).

Commission Decision of 16 December 2013 laying down general provisions giving effect to Article 8 of Annex VII to the Staff Regulations (C(2013) 8987 of 16 December 2013).

Commission Decision of 16 December 2013 on General Implementing Provisions on removal expenses (Article 9 of Annex VII to the Staff Regulations) (C(2013) 9040 of 16 December 2013).

Commission Decision of 16 December 2013 laying down general implementing provisions to Article 7(4) of Annex to the Staff Regulations on determining the place of origin (C(2013) 8982 of 16 December 2013).

Commission Decision of 16 December 2013 on general implementing provisions on granting the education allowance (Article 3 of Annex VII to the Staff Regulations) (C(2013) 8971 of 16 December 2013).

### Annex III

Commission Decision of 16 December 2013 amending Commission Decision of 2 March 2011 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 Article 3a and 3b of the said Conditions (C(2013) 8967 of 16 December 2013)

Commission Decision of 16 December 2013 on policies for the engagement and use of temporary agents (C(2013) 9049 of 16 December 2013)