

**DECISION**  
ADB(D)03-2017

**On the request for the Commission's agreement on the  
non-application of Commission rules.**

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

Having regard to:

- Council Regulation (EC) No 219/2007 of 27 February 2007, on the establishment of a Joint Undertaking to develop the new generation of the European Air Traffic Management system (SESAR)<sup>1</sup> as amended by Council Regulation (EC) No 1361/2008 of 16 December 2008<sup>2</sup> and by Council Regulation (EU) No 721/2014 of 16 June 2014<sup>3</sup> ('SJU Regulation');
- 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>4</sup>, and in particular to Article 110(2), third subparagraph of the Staff Regulations as last modified<sup>5</sup>;
- Commission Decision of 15 June 2016 on middle management staff, Commission Decision of 7 June 2017 concerning the function of adviser, Commission Decision of 24 June 2016 on Learning and Development Strategy of the European Commission, Commission Decision of 24 June 2016 on training on the own initiative of the member staff and Commission Decision of 24 June 2016 repealing existing rules on learning and development;

Whereas:

- In accordance with Article 110 of the Staff Regulations, it is necessary for agencies to apply the appropriate Commission implementing rules or adopt the appropriate implementing rules for giving effect to the Staff Regulations, after consultation of the SJU Staff Committee;
- The SJU is informed that the Commission's services are currently drafting, with assistance of the Standing Working Party, model decisions with a view to authorise derogations from application by analogy of the Commission's rules. These decisions concern middle management staff, function of adviser and learning and development:

<sup>1</sup> OJ L 64, 2.3.2007, p. 1

<sup>2</sup> OJ L 352, 31.12.2008, p. 12

<sup>3</sup> OJ L 192, 1.7.2014, p. 1

<sup>4</sup> OJ L 56, 04/03/1968, p.1.

<sup>5</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

- The SJU would like to avail itself of such authorisation as soon as the Commission issues it;
- It would be contrary to the SJU interest to let the Commission's rules enter into force, while specific model decisions, adapted to the SJU situation are developed.

After consultation of the SJU Staff Committee,

**HAS DECIDED AS FOLLOWS:**

Article 1

In accordance to the provisions of Article 110 paragraph 2 subparagraph 3, to request the Commission the non-application of the Commission Decisions listed in the Annex with a view of adopting specific model decisions, adapted to JU which are being developed by the Commission with the assistance of the Standing Working Party.

Article 2


To empower the Executive Director to request the Commission's agreement pursuant to Article 110 paragraph 2 on the non-application by analogy of Commission Decisions listed in the Annex.

Article 3

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

Done in Brussels, 4 April 2017.

*For the Administrative Board*

 The Chairperson

## Annex

Commission decision of 15 June 2016 on middle management staff, (C(2016) 3288 final of 15 June 2016).

Commission Decision of 7 June 2016 concerning the function of adviser, (C(2016) 3214 final of 7 June 2016).

Commission decision of 24 June 2016 on Learning and Development Strategy of the European Commission, (C(2016) 3829 final of 24 June 2016).

Commission Decision of 24 June 2016 on training on the own initiative of the member staff, (C(2016) 3855 final of 24 June 2016).

Commission Decision of 24 June 2016 repealing existing rules on learning and development, (C(2016)3827 final of 24 June 2016).