

**DECISION
ADB(D)17-2017**

on the SESAR Joint Undertaking policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment

THE ADMINISTRATIVE BOARD OF THE SESAR JOINT UNDERTAKING (SJU)

Having regard to:

- The Treaty on the Functioning of the European Union,
- 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 Articles 1d, 12 and 12a of the Staff Regulations concerning behaviour which may infringe human dignity and articles 10, 11, 80 and 81 of the CEOS,
- 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)² as modified by Council Regulation (EC) No 1361/2008 of 16 December 2008³ and amended by Council Regulation (EU) No 721/2014 of 16 June 2014 ("SJU Regulation")⁴ and in particular Article 2a,
- The Communication C(2014)6543 final of 26 September 2014 from Vice-President Šefčovič to the Commission on the guidelines on the implementation of Article 110(2) of the Staff Regulations with regard to the implementing rules applicable in the agencies, and in particular Point 2.B thereof,
- The agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations, C(2016) 6595 of 21 October 2017.

After consulting the Staff Committee,

Whereas:

- (1) Psychological harassment and sexual harassment at work are serious problems which the Agency is continuing to strive to stamp out by promoting a culture free of all forms of violence in the workplace in which such harassment is unacceptable.
- (2) Psychological harassment and sexual harassment stem from different issues but have certain similarities. An informal procedure common to these two forms of harassment should therefore be opened through the network of confidential counsellors and arrangements laid down applicable to the common formal procedure under Articles 24 and 90 of the Staff Regulations⁵.

¹ OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15.

² OJ L 64, 2.3.2007, p.1.

³ OJ L 352, 31.12.2008, p.12.

⁴ OJ L 192, 1.7.2014, p.1.

⁵ Applicable to temporary staff by virtue of Articles 11 and 46 of the CEOS respectively and to contract staff by virtue of Article 81 and 117 of the CEOS respectively.

(3) Steps should therefore be taken to:

- introduce a common policy of prevention of psychological harassment and sexual harassment within the context of the Staff Regulations;
- introduce an informal and formal procedure relating to psychological and sexual harassment;
- take appropriate action (if necessary, disciplinary measures) in accordance with the Staff Regulations against any person who is found guilty of psychological or sexual harassment at the end of a formal procedure.

HAS DECIDED AS FOLLOWS:

Article 1

The document entitled “Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment” annexed to this Decision is hereby adopted

Article 2

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

Done at Brussels, on 11 September 2017.

For the Administrative Board

*The Chairperson
Henrik Hololei*

