

DECISION
ADB(D)08-2018

**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:

- 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 259/68 ,
- 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) as modified by Council Regulation (EC) No 1361/2008 of 16 December 2008 and amended by Council Regulation (EU) No 721/2014 of 16 June 2014 ("SJU Regulation"),
- 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,
- Commission Decision C(2017)6760 final of 16 October 2017 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 under the terms of Articles 3a and 3b thereof

Whereas:

1. 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;
2. The SJU is informed that the Commission's services will draft, with assistance of the Standing Working Party, model decisions with a view to authorise derogations from application by analogy of the Commission's rules;
3. The SJU would like to avail itself of such authorisation as soon as the Commission issues it;

4. It would be contrary to the SJU interest to let the Commission's rules enter into force, while the SJU adopts general provisions on the conditions of employment of contract agents according to the model decision approach.

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 Decision C(2017)6760 final of 16 October 2017 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 under the terms of Articles 3a and 3b thereof 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 Decision C(2017)6760 final.

Article 3

This decision shall enter into force on the day following its adoption.

Done in Brussels, 29 March 2019.



For the Administrative Board



The Chairperson
Henrik Hololei



Annex

Commission Decision C(2017)6760 final of 16 October 2017 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 under the terms of Articles 3a and 3b thereof