

**DECISION
ADB(D)13-2018**

Setting up a Staff Committee

HAVING REGARD TO:

- The Treaty on the Functioning of the European Union,
- The Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down originally by Council Regulation (EEC, Euratom, ECSC) No 259/68¹ as last modified²,, and in particular Articles 9, 10a and 110(2) thereof, Article 1 of Annex II to the Staff Regulations and Article 7 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)³ as amended by Council Regulation (EC) No 1361/2008 of 16 December 2008⁴ and Council Regulation (EU) No 721/2014 of 16 June 2014⁵ ("SJU Regulation") and in particular Article 2a,
- 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 Commission Decision C(2016)3323 final of 27 May 2016,

After consulting the Staff Committee,

WHEREAS:

- 1) The Agency should set up a Staff Committee which should represent the interests of the staff vis-à-vis the Agency.
- 2) A Staff Committee should perform the functions assigned to it by the Staff Regulations, in particular by Articles 8(3) and 110(20) thereof.

¹ OJ L 56, 04/03/1968, p.1.

² 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

³ OJ L 64, 2.3.2007, p. 1

⁴ OJ L 352, 31.12.2008, p. 12

⁵ OJ L 192, 1.7.2014, p. 1

3) The Agency should determine the composition and procedure of the Staff Committee in accordance with the provisions of Annex II to the Staff Regulations while, according to Article 9(2) of the Staff Regulations, a derogation regarding membership is possible to take into account the composition of the Agency's staff.

4) In the interest of clarity and legal certainty, the SESAR JU Decision of 1 July 2011⁶ on setting up a Staff Committee should be repealed and replaced by this Decision.

HAS DECIDED AS FOLLOWS:

Article 1 – Scope

1. A Staff Committee (hereinafter 'the Committee') is hereby created.
2. This Decision governs the composition and functioning of the Committee within the SESAR Joint Undertaking.
3. The Committee represents staff covered by the CEOS. These staff comprise temporary staff, contract staff and other categories of staff, if any, referred to in Article 1 of the CEOS. Collectively, these staff are hereinafter referred to as 'the staff', unless otherwise specified.

Article 2 – Tasks

1. The Committee shall represent the interests of the staff vis-à-vis the SESAR JU and maintain continuous contact between SESAR JU and its staff.
2. The Committee shall contribute to the smooth running of the Agency by providing a channel for the expression of opinion by the staff.

⁶ SJU ADB (D) 05-2011 of 1 July 2011.

3. The Committee shall bring any difficulty that has general implications concerning the interpretation and application of the Staff Regulations and the CEOS to the notice of:
 - the head of the Agency as referred to in the act(s) establishing the Agency ('the Executive Director '); or
 - other persons designated by the Executive Director; or, exceptionally,
 - in specific, duly justified cases, the SESAR JU Administrative Board.The Committee may be consulted on any difficulty of this kind.
4. The Committee shall submit to the Executive Director suggestions concerning the organisation and operation of Agency's services and proposals for the improvement of staff working conditions or general living conditions.
5. The Committee shall participate in the management and supervision of social welfare bodies set up by Agency in the interests of its staff. It may, with the consent of the Executive Director, set up such welfare bodies.
6. The Committee shall be consulted on implementing rules giving effect to the Staff Regulations and to the CEOS before the SESAR JU Administrative Board decides on their application within the Agency.
7. The Committee shall exercise any other role provided for in the Staff Regulations, in implementing measures to the Staff Regulations/CEOS and in any act adopted by the Agency.

Article 3 – Composition

1. The composition of the Committee, as set out below, shall, as far as possible, reflect the composition of the Agency's staff, in particular as regards the categories of staff.⁷
2. The Committee shall consist of three full members.
3. If there are enough candidates, there may be up to an equivalent number of alternates. The alternate member shall replace a full member in the latter's absence.

Article 4 – Terms of office

1. The term of office of the Committee shall be three years.
2. In the event of the Committee collectively resigning or a motion of no-confidence in it being passed, new elections shall be organised within one month.
3. If the Committee's term of office expires before a new Committee has been elected, the sitting members shall remain in office until replaced by the newly elected members. This period shall not be longer than six months.

Article 5 – Membership

1. The duties undertaken by members of the Committee shall be deemed to be part of their normal service in the Agency. The fact of performing such duties shall in no way be prejudicial to the person concerned.

⁷ Temporary staff in function group AD, temporary staff in function group AST, temporary staff in function group AST/SC and other types of staff mentioned in Article 1 of the CEOS if any.

2. The term of office of a member of the Committee shall cease upon death, resignation from the Committee, or termination of employment with the Agency.
3. Membership of the Committee does not constitute special grounds for extending a time-limited employment contract.
4. A member of the Committee who changes function group or category of staff during his or her term of office shall remain in office until the term of the Committee expires.
5. Should the term of a full member of the Committee end prematurely, his or her office shall be attributed to:
 - the alternate member with the highest number of votes at the last election.

Article 6 – Functioning

1. The Committee shall elect a Chair by a majority of its full members.
2. The Committee shall adopt its own rules of procedure, which shall be notified to the Executive Director and to the staff. It may also determine the distribution of duties among its members.
3. The Committee shall meet at least 3 times a year.
4. The Committee and the Executive Director shall meet at least two times a year.
5. The Committee shall convene a general meeting of staff at least once during its term of office in order to present a report on its activities and propose its future action plans.
6. Meetings of the Committee shall be competent to transact business only where at least the majority of its full members are present or represented by alternates. If the quorum is not reached, the meeting shall be reconvened by means of a letter or an email sent to all full members and alternates in accordance with the rules of procedure.
7. Decisions shall be taken by a majority of full members present or represented by alternates.

Article 7 – Consultation

1. If consulted, the Committee shall have a minimum period of 15 working days to declare its position on relevant matters.
2. If no opinion is delivered within the period prescribed, the Agency shall take its decision.

Article 8 – Facilities at the Committee's disposal

1. Subject to the agreement of the Executive Director, the Committee shall be entitled to make use of the Agency's facilities in order to perform its duties and inform staff.
2. Missions carried out by members of the Committee, in the exercise of their duties, shall be reimbursed according to the standard rules applied by the Agency, including budgetary limitations.

Article 9 – Electoral rules