

DECISION
ADB(D)05-2019

on middle management staff

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

- Having regard to the Treaty on the Functioning of the European Union,
- Having regard to the Staff Regulations of Officials (hereinafter ‘Staff Regulations’) and the Conditions of Employment of Other Servants of the European Union (hereinafter ‘CEOS’) laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council¹, and in particular Articles 2, 4, 5, 7 and 29 of the Staff Regulations and Articles 6, 10(1) and 53 of the CEOS,
- 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)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 2014⁴ (“SJU Regulation”) and in particular its Article 2a,
- Having regard to 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,
- Having regard to SESAR JU ADB(D)06-2016 Decision of 28 April 2016 laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the CEOS (hereinafter ‘GIPs on temporary staff 2(f)’),
- Having regard to the Commission Decision of 16 December 2013 on types of post and post titles⁵ applied by analogy in SESAR JU,
- Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations C(2018) 2542 of 24 April 2018,

After consulting the Staff Committee,

¹OJ L 56, 4.3.1968, p.1.

²OJ L 64, 2.3.2007, p. 1.

³OJ L 352, 31.12.2008, p. 12.

⁴OJ L 192, 1.7.2014, p. 1.

⁵C(2013) 8979, Administrative Notice No 70-2013.

Whereas:

- 1) On 8 July 2016, the Commission informed SESAR JU that it adopted Decision C(2016)3288 of 15 June 2016 on middle management staff.
- 2) Pursuant to Article 110(2) of the Staff Regulations, implementing rules such as those referred to in Recital 1 shall apply by analogy to SESAR JU. By way of derogation, an agency may request the Commission's agreement to the non-application of certain implementing rules. The Commission may, instead of accepting or rejecting the request, require the agency to submit for its agreement implementing rules which are different from those adopted by the Commission.
- 3) Commission Decision C(2016)3288 is suitable to apply to SESAR JU if it is adapted to the peculiarities of SESAR JU. Those peculiarities concern in particular temporary staff referred to in Article 2(f) CEOS, the parties involved in the selection procedure of middle managers, differentiation between an internal, inter-agency and external publication, and non-compulsory mobility.
- 4) SESAR JU's managers are central to SESAR JU's talent management efforts as they are both responsible for charting new course of action, driving change and achieving operational priorities and responsible for the management and development of their staff. Middle managers should not only have a very good knowledge of their subject areas, they should also be outstanding in managing work, people or financial resources.
- 5) Mobility between management functions should be encouraged and mobility between management and non-management functions should be facilitated by making it possible for temporary staff who opted out from a middle management function to return to a head of unit function without having to undergo a new selection procedure.
- 6) The legal framework established by the present Decision will be complemented by additional measures, in particular effective information on the managerial performance, development initiatives (through training, mentoring, coaching, 360°/180° feedback mechanism) and talent management for both heads of unit in place and temporary agents aspiring to become middle managers.
- 7) In the interest of clarity and legal certainty, SESAR JU Decision of 9 October 2009 on middle management staff should be repealed and replaced by this Decision,

HAS DECIDED AS FOLLOWS:

SECTION 1. GENERAL PRINCIPLES

Article 1: Aims⁶

The purpose of this Decision is to establish a legal framework setting out the internal rules of SESAR JU concerning:

- procedures for the selection and appointment of middle managers;
- the role and position of heads of unit;

⁶ Any reference in this Decision to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice versa, unless the context clearly indicates otherwise.

- the arrangements for reassigning heads of unit to non-management functions in certain circumstances;
- the trial period for staff appointed to a middle management function in SESAR JU for the first time.

This Decision shall apply to all SESAR JU services.

Article 2: Middle management functions

1. Middle management functions and staff

Middle management functions shall mean a function which meets both of the following criteria:

- it involves the permanent and continuous management of an administrative unit;
- is referred in Commission Decision on types of post and post titles applied by analogy in SESAR JU as head of unit and head of department as well as others equivalent mentioned in this Decision.

A person assigned to a function which satisfies both of these criteria at the same time is thereby a member of the middle management staff.

This means that the functions of head of unit are hereby defined as middle management functions and are covered by this decision.

For the purposes of this decision, the term head of unit, shall refer to all middle management functions.

2. Functions not covered by this Decision

Advisers are not covered by this decision as they do not carry out management functions.

Deputy heads of unit and heads of sector are not covered by this decision.

Article 3: Authority authorised to conclude contracts of employment ('AACC')

1. AACC

Except where otherwise provided for and without prejudice to the Administrative Board decision on delegation of the Appointing Authority and AACC powers, the AACC powers according to this decision, including the decisions on appointments to middle management functions whose level has been fixed at AD 12-AD 14 shall be exercised by the Head of the Agency as referred to in the act(s) establishing the Agency ('the Executive Director').

Article 4: Role of heads of units

The role of heads of unit is regarded as particularly important. They shall possess specific management (i.e. work organisation, people management and, where relevant, financial resources management) competencies and an appropriate degree of specialist knowledge and technical expertise.

The role and responsibility of heads of unit shall comprise essentially three aspects, including, but not limited to:

- the head of unit shall issue guidelines for policies and actions to his unit on the basis of the mission statement, strategic plan and annual management/work programme of the Agency. He shall define the unit work programme, coordinate work within the unit and with other units and represent the unit at important meetings;
- the head of unit shall be the main channel for the exchange of information between senior⁷ management and the unit's members;
- the head of unit shall be directly responsible for the management of the human resources of the unit and, in many cases, also its financial resources.

Article 5: Determining the level of a function and filling it

1. As a general rule, the level of head of unit functions is fixed at AD 9-AD 14 as regards internal and inter-agency publications and AD9/AD12 as regards external publication.

For internal and inter-agency publications, the level of a function can be fixed at AD 12-AD 14 only by the Executive Director depending on the importance of the tasks, the number of staff reporting to the function in question and/or the level of budgetary resources managed.

2. The functions shall be filled in accordance with the GIPs on temporary staff 2(f). A temporary staff may be reassigned to a head of unit function in the interest of the service in accordance with Article 7(1) of the Staff Regulations⁸ when the conditions set out in Article 8(1) and Article 10(1) of this Decision are met.

Article 6: Options to fill a post

Article 2 of the GIPs on temporary staff 2(f) shall apply.

SECTION 2. FILLING HEAD OF UNIT FUNCTIONS AT LEVEL AD 9-AD 14 - INTERNAL, INTER-AGENCY MOBILITY

Article 7: Reassignment and publication of a function

1. Articles 3, 4 and 7 of the GIPs on temporary staff 2(f) shall apply respectively.

⁷ Senior manager functions are manager functions above middle management.

⁸ Applicable to temporary staff by virtue of Article 10(1) of the CEOS.