

## Implementing Rules to the Staff Regulations

54<sup>th</sup> Meeting of the Management Board 19-20 June 2019

### Proposal

The Secretariat proposes two Implementing Rules (IRs) for adoption by the Management Board, as follows:

1. ECHA IR governing the conditions of employment of contract staff employed under the terms of Article 3a of the Conditions of Employment of Other Servants of the European Union (Contract Agent (CA) employment)
2. ECHA IR on types of post and post titles (types of post)

In addition, the Secretariat hereby informs the Management Board that the Commission, in its Decision (2019)3018 final, agreed to the adoption of the ECHA IR concerning the probationary period appraisal, managerial trial appraisal and annual performance appraisal of the Executive Director and the members of the Board of Appeal, implementing Articles 43 and 44 of the Staff Regulations and Articles 14 and 15(2) of the CEOS. These rules (MB/36/2018) thus entered into force on the date of the Commission Decision (17 April 2019) and can now be applied to the newly-appointed Chair of the Board of Appeal once he enters the service at ECHA on 16 August 2019.

ECHA's management and Staff Committee have been consulted on the respective Implementing Rules and agree with the proposals herein.

### Background

In accordance with Article 110(2) of the Staff Regulations, IRs adopted by the Commission shall apply by analogy to ECHA either nine months after the date of the Commission notification or, by decision of the Management Board, at an earlier date. Alternatively, ECHA may request the Commission's agreement either to adopt modified rules or not to apply certain rules adopted by the Commission. Such requests for derogation should be submitted to the Commission within a nine month period. It is in the context of this legal background that ECHA needs to assess and decide whether (and when) to adopt the Commission rules by analogy or to opt-out from them.

### Rationale

Based on prior work at the Standing Working Party<sup>1</sup> and internal review, the following IR are proposed for adoption:

- 1) *Commission Decision C(2019)3016 final model decision 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 Article 3a thereof*

After ECHA opted out of the Commission IR on the employment of CA's in March 2018, the Standing Working Party drafted specific rules for the Agencies that cater for Agencies' specificities with respect to selection procedures, policy on duration of contracts, mobility and the non-application of the provisions related to contract staff covered by Article 3b of the

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<sup>1</sup> The Standing Working Party is the working group chaired by the Commission DG HR that comprises representatives of various EU Agencies that reviews IRs and decides whether application by analogy is feasible for Agencies or whether specific Agencies' rules are necessary.

CEOS. The overall aim of this IR is to provide Agency contract agents with prospects for professional development. This has implications for the whole process of managing this category of staff, from selection to appraisal, career advancement and reclassification. These developments also include the possibility to change grade and function group and facilitate ease of mobility between Agencies.

## 2) Commission Decision C(2018)8800 final model decision on types of post and post titles

This IR amends the respective Commission rules mainly with respect to the terminology of posts established in the Agency. It also clarifies the range of grades of Directors and Heads of Units, in compliance with the underlying provisions of the Staff Regulations. As it is specially drafted for Agencies and fits ECHA's needs in this area, adoption is hereby proposed. Once adopted, ECHA would no longer apply the respective Commission rules by analogy. Hence, the reference to the rules on types of post and post titles contained in the ECHA IR on middle managers and advisers will be amended accordingly.

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## Drawbacks

None. The aim of the adoption of Implementing Rules is to ensure a consistent and coherent application of the Staff Regulations and Conditions of Employment of Other Servants across the EU Institutions, bodies and Agencies. ECHA and its Staff Committee were consulted in the drafting of the specific Agency rules that are proposed for adoption herein and, therefore, the IRs proposed for adoption reflect ECHA's needs without any drawbacks.

## Attachments:

- Annex 1a-d: ECHA IR governing the conditions of employment of contract staff employed under the terms of Article 3a of the Conditions of Employment of Other Servants of the European Union (including its three Annexes)
- Annex 2: ECHA IR on types of post and post titles

For questions: [shay.omalley@echa.europa.eu](mailto:shay.omalley@echa.europa.eu) with copy to [mb-secretariat@echa.europa.eu](mailto:mb-secretariat@echa.europa.eu)