

State of play of Implementing Rules – April 2016

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Introduction:

Article 110 (1) of the Staff Regulations provides that the general provisions implementing the Staff Regulations shall be adopted by the appointing authority of each institution after consulting the Staff Committee and the Staff Regulations Committee.

Article 110 (2) provides that Implementing rules adopted by the Commission to give effect to the Staff Regulations, including the general implementing provisions referred to in Art. 110 (1), shall apply by analogy to the agencies.

Such implementing rules shall enter into force at the agencies nine months after their entry into force at the Commission or nine months after the date on which the Commission informed the agencies of the adoption of the respective implementing rule, whichever is later.

By way of derogation, an agency may, before the expiry of the nine-month period and after consulting its Staff Committee, submit to the Commission for its agreement implementing rules which are different from those adopted by the Commission. Under the same conditions, an agency may request the agreement of the Commission to the non-application of certain of those implementing rules.

The table below presents an overview of implementing rules and model decisions, adopted by the Agency, in application of Art. 110 of the SR. An overview of the requested derogations are also presented.

1. Implementing rules and model decisions adopted in 2014

I. Implementing Rules (IR) adopted by analogy:

#	Title	Number	Date of entry into force in the Commission	Entry into force at the Agency
1	<u>Commission Decision on: Place of origin</u> Laying down general implementing provisions to Article 7 (4) of Annex VII to the Staff Regulations on determining the place of origin	<u>C (2013) 8982</u>	1 January 2014	1 October 2014
2	<u>Commission Decision on: Type of post and post titles</u> On types of post and post titles	<u>C (2013) 8979</u>	1 January 2014	1 October 2014
3	<u>Commission Decision on: Education allowance</u> On general implementing provisions on granting the education allowance (Article 3 of Annex VII to the Staff Regulations)	<u>C (2013) 8971</u>	1 January 2014	1 October 2014
4	<u>Commission Decision on: Classification</u> Laying down general implementing provisions concerning the criteria applicable to classification in step on appointment or engagement	<u>C (2013) 8970</u>	1 January 2014	1 October 2014
5	<u>Commission Decision on: The maximum duration for the recourse to non-permanent staff</u> Amending Commission Decision of 28 April 2004 on the maximum duration for the recourse to non-permanent staff in the Commission services.	<u>C (2013) 9028</u>	1 January 2014	1 October 2014

6	<u>Commission Decision on: Maternity leave and maternity pay</u> On maternity leave and maternity pay for women whose maternity leave begins before the end of their contract (Articles 17 and 91 of CEOS)	<u>C (2013) 9020</u>	1 January 2014	1 October 2014
7	<u>Commission Decision on: Working time</u> On working time	<u>C(2014) 2502</u>	1 June 2014	1 March 2015 ¹
8	<u>Commission Decision on: Home leave non-EU (Annex X)</u> On home leave for officials, temporary agents and contract agents posted in third countries (second paragraph of Article 7 Annex V to the Staff Regulations)	<u>C (2013) 9035</u>	1 January 2014	1 October 2014
9	<u>Commission Decision on: Rest leave (Annex X)</u> On management of rest leaves pursuant to Article 8 of Annex X to the Staff Regulations	<u>C (2013) 9027</u>	1 January 2014	1 October 2014
10	<u>Commission Decision on: ICV (Annex X)</u> On the living conditions allowance and the additional allowance referred to in Article 10 of Annex X to the Staff Regulations	<u>C (2013) 9032</u>	1 January 2014	1 October 2014
11	<u>Commission Decision on: Outside activities</u> On outside activities and assignments	<u>C (2013) 9037</u>	1 January 2014	1 October 2014
12	<u>Commission Decision on: Attestation procedure</u> Repealing Commission Decision of 23.11.2006 laying down the rules for implementing the attestation procedure (C(2006)5788)	<u>C (2013) 9022</u>	1 January 2014	1 October 2014
13	<u>Commission Decision on: Reimbursement officials assigned non-EU</u> On reimbursement due to officials assigned to non-member countries	<u>C (2013) 8990</u>	1 January 2014	1 October 2014

¹ Repealed in 2016 by adoption of model decision – Decision AB 08/2016 of 4 April 2016.

14	<u>Commission Decision on: Early retirement</u> Repealing Commission Decision of 28.04.2004 adopting General implementing provisions on the early retirement of officials and temporary agents without reduction of pension rights (C(2004)1588 final/5)	<u>C (2013) 9039</u>	1 January 2014	1 October 2014
15	<u>Commission Decision on: Removal expenses</u> General Implementing Provisions on removal expenses (Article 9 of Annex VII to the Staff Regulations)	<u>C (2013) 9040</u>	1 January 2014	1 October 2014
16	<u>Commission Decision on: Housing policy (Annex X)</u> On rules for the implementation of housing policy in EU delegations	<u>C (2013) 8965</u>	1 January 2014	1 October 2014
17	<u>Commission Decision on: Part-time work</u> On Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work	<u>C (2013) 9046</u>	1 January 2014	1 October 2014
18	<u>Commission Decision on: Leave</u> On leave	<u>C (2013) 9051</u>	1 January 2014	1 October 2014
19	<u>Commission Decision on: Art. 8 Annex VII</u> Laying down general provisions giving effect to Article 8 of Annex VII to the Staff Regulations	<u>C (2013) 8987</u>	1 January 2014	1 October 2014
20	<u>Commission Decision on: Policies for engagement of TAs</u> On policies for the engagement and use of temporary agents	<u>C (2013) 9049</u>	1 January 2014	1 October 2014

II. Model decisions: N/A

2. Implementing rules and model decisions adopted in 2015

I. Implementing Rules (IR) adopted by analogy: N/A

II. Model decisions

#	Title	Number and date	Date of entry into force at the Agency
1.	<u>Engagement and use of TA</u> Model decision laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the CEOS as regards decentralised agencies and joint undertakings	Decision AB 08/2015 of 11 June 2015	12 June 2015
2.	<u>Unpaid leave</u> Model decision for agencies on measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Union	Decision AB n 16/2015 of 17 September 2015	18 September 2015
3.	<u>Appraisal of contract staff (CA)</u> Model decisions for agencies on general provisions for implementing Article 87(1) of the Conditions of Employment of Other Servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations	Decision AB n 22/2015 of 17 December 2015	17 December 2015
4.	<u>Appraisal of temporary staff (TA)</u> Model decision for agencies laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for [officials and] temporary staff	Decision AB n 23/2015 of 17 December 2015	18 December 2015

3. Implementing rules and model decisions adopted in 2016

I. Implementing Rules (IR) adopted by analogy: N/A

#	Title	Number	Date of entry into force in the Commission	Entry into force at the Agency
21	<u>Commission Decision on: Part-time work</u> COMMISSION DECISION of 8.1.2016 on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work	C(2015) 9720	09/01/2016 Agency: 12/10/2016	12/10/2016* ACER implements the previous EC decision on part time by analogy - C(2013)9046
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*Pending decision of management.

II. Model decisions

#	Title	Number and date	Date of entry into force at the Agency
1.	<u>Reclassification of contract staff (CA)</u> Model decision for decentralised agencies and joint undertakings laying down general implementing provisions regarding Article 87(3) of the Conditions of Employment of Other Servants of the European Union	Decision AB 06/2016 of 4 April 2016	1 May 2016
2.	<u>Reclassification of temporary staff (TA)</u> Model decision for decentralised agencies and joint undertakings laying down general implementing provisions regarding Article 54 of the Conditions	Decision AB 07/2016 of 4 April 2016	1 May 2016

	of Employment of Other Servants of the European Union		
3.	<u>Working time</u> Model decision for decentralised agencies and joint undertakings regarding implementing rules on working time	Decision AB 08/2016 of 4 April 2016	5 April 2016

4. Derogations

The Agency has requested the Commission's agreement for derogation to application by analogy of the following decisions:

2014

#	Title	Number	Date of entry into force in the Commission	Date of request for derogation under Art.110 (2), para 3, Staff Regulations
1	<u>Commission Decision on: Art. 43 – 44</u> Laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations	<u>C (2013) 8985</u>	1 January 2014	16 September 2014
2	<u>Commission Decision on: Art. 45</u> Laying down general provisions for implementing Article 45 of the Staff Regulations	<u>C (2013) 8968</u>	1 January 2014	16 September 2014
3	<u>Commission Decision on: Personal grounds Unpaid leave</u> On measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Union	<u>C (2013) 9054</u>	1 January 2014	16 September 2014
4	<u>Commission Decision on:</u> General provisions for implementing Article 87(1) of the CEOS on APPRAISAL C(2014)2226 of 7 April 2014	<u>C (2014) 2226</u>	7 April 2014	16 September 2014
5	<u>Commission Decision on:</u> General provisions on RECLASSIFICATION C(2013) 2529 of 3 May 2013 as amended by C(2014) 2222	<u>C (2013) 2529</u> <u>C (2014) 2222</u>	7 April 2014	16 September 2014
6	<u>Commission Decision on: Teleworking</u> Amending Article 7(5) and (7) of Commission Decision	<u>C (2013) 9045</u>	1 January 2014	18 July 2014

C(2009)10224 of 18 December 2009 concerning the implementation of teleworking in Commission departments from 2010 to 2015			
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2015

#	Title	Number	Date of entry into force in the Commission	Date of request for derogation under Art.110 (2), para 3, Staff Regulations
7	<u>Commission Decision on: The employment of contract staff</u> Amending Commission Decision of 2 March 2011 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 by the Commission under the terms of Articles 3a and 3b of the said Conditions	<u>C (2013) 8967</u>	1 January 2014 The decision has been adopted by analogy by ACER (initially) and entered into force on 1 October 2014. Agencies: 26/06/2016 ²	To ensure legal clarity, a request for derogation has been requested on 12 June 2015

2016

#	Title	Number	Date of entry into force in the	Date of request for derogation under Art.110 (2), para 3, Staff
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² See communication Ares(2014)3173692/26.09.2014 – Application of Article 110(2) of the Staff Regulation in cases where the Commission adopts a rule amending or repealing an existing rule.

			Commission	Regulations
8	Commission Decision on: Teleworking Commission Decision C(2015) 9151 of 17.12.2015 on the implementation of telework in Commission Departments	C(2015) 9151	01/01/2016 Agency: 04/10/2016	04 February 2016