

DECISION No 8/2022

**OF THE ADMINISTRATIVE BOARD OF THE EUROPEAN UNION AGENCY FOR
THE COOPERATION OF ENERGY REGULATORS**

of 16 June 2022

on the adoption by analogy of the Commission Decision laying down general implementing provisions regarding the payment of the education allowance provided for in Article 15 of Annex X to the Staff Regulations to staff members for the duration of temporary assignments to the seat of the institution or any other place of employment in the Union

THE ADMINISTRATIVE BOARD OF THE EUROPEAN UNION AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators,¹

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants ('CEOS') of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68², and in particular Article 110(2) and Article 15 of Annex X to the Staff Regulations,

Having regard to Commission Decision C(2021) 8179 of 16 November 2021 laying down general implementing provisions regarding the payment of the education allowance provided for in Article 15 of Annex X to the Staff Regulations to staff members for the duration of temporary assignments to the seat of the institution or any other place of employment in the Union,

After consulting the Staff Committee on 14 June 2022,

Whereas:

- (1) On 9 February 2022, the Commission informed the European Union Agency for the Cooperation of Energy Regulators (hereinafter referred to as 'the Agency') that on 16 November 2021, it had adopted Commission Decision C(2021) 8179 laying down general implementing provisions regarding the payment of the education allowance provided for in Article 15 of Annex X to the Staff Regulations to staff members for the duration of temporary assignments to the seat of the institution or any other place of employment in the Union.
- (2) In application of Article 110(2) of the Staff Regulations, in absence of derogation from these implementing rules, Commission Decision C(2021) 8179 should apply by analogy to the Agency within nine months after the date of notification,

HAS DECIDED AS FOLLOWS:

¹ OJ L 158, 14.6.2019, p. 22.

² OJ L 56, 4.3.1968, p. 1.

Article 1

Commission Decision C(2021) 8179 of 16 November 2021 laying down general implementing provisions regarding the payment of the education allowance provided for in Article 15 of Annex X to the Staff Regulations to staff members for the duration of temporary assignments to the seat of the institution or any other place of employment in the Union, hereby attached, shall apply by analogy to the Agency.

Article 2

This Decision shall take effect on the day following that of its adoption.

Done at Ljubljana, on 16 June 2022

For the Administrative Board

The Chair

Mr. M. THIOLLIÈRE



Brussels, 16.11.2021
C(2021) 8179 final

COMMISSION DECISION

of 16.11.2021

laying down general implementing provisions regarding the payment of the education allowance provided for in Article 15 of Annex X to the Staff Regulations to staff members for the duration of temporary assignments to the seat of the institution or any other place of employment in the Union

COMMISSION DECISION

of 16.11.2021

laying down general implementing provisions regarding the payment of the education allowance provided for in Article 15 of Annex X to the Staff Regulations to staff members for the duration of temporary assignments to the seat of the institution or any other place of employment in the Union

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants as laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Article 110 of the Staff Regulations and Article 3 of Annex X thereto, in conjunction with Article 10(5) and Article 118 of the Conditions of Employment of Other Servants,

Having regard to the opinion of the Staff Committee,

Having regard to the opinion of the Staff Regulations Committee,

Whereas:

- (1) Annex X to the Staff Regulations sets out special and exceptional provisions applicable to officials of the Union serving in a third country. Article 2 of that Annex provides for a mobility procedure, whereby officials serving in a third country are to be transferred periodically in the interests of the service.
- (2) Article 3 of Annex X to the Staff Regulations provides that the officials may be reassigned temporarily to the seat of the institution or any other place of employment in the Union under the mobility procedure. Such assignments may not be for more than four years.
- (3) As regards contract staff, Article 3a(1), last subparagraph, of the Conditions of Employment of Other Servants provides that staff engaged for the performance of full-time or part-time duties in Union delegations may be temporarily assigned to the seat of the institution under the mobility procedure. The duration of such temporary assignment is limited to four years, in accordance with Article 118 of the Conditions of Employment of Other Servants and Article 3 of Annex X to the Staff Regulations. At the end of that period, the contract staff member is obliged to accept a new assignment to a Union delegation, as provided for in Article 3 of the Commission Decision on the mobility of European Commission contract staff posted to European Union delegations².
- (4) The appointing authority may decide that staff members are to remain subject to certain provisions of Annex X to the Staff Regulations for the duration of temporary assignments, including Article 15 of that Annex, which provides for payment of an education allowance.

¹ OJ L 56, 4.3.1968, p.1.

² C(2020) 997 final of 26.2.2020

- (5) In the interest of legal certainty, it is necessary to lay down general implementing provisions specifying the conditions under which that education allowance may be granted.

HAS DECIDED AS FOLLOWS:

Article 1
Subject matter and scope

This Decision applies to officials, temporary agents and contract agents (staff members) who have been temporarily assigned to the seat of the institution or any other place of employment in the Union, within the framework of the mobility exercise after a period of posting in a Union delegation.

Article 2
Grant of education allowance provided for in Article 15 of Annex X to the Staff Regulations

1. During temporary assignment as referred to in Article 1 of this Decision, a staff member may request to receive the education allowance provided for in Article 15 of Annex X to the Staff Regulations (“the education allowance”).
2. The appointing authority or the authority empowered to conclude contracts of employment may decide to grant the education allowance, if the following conditions are fulfilled:
 - (a) the staff member concerned received that education allowance, in respect of the dependent child in question, prior to the temporary assignment;
 - (b) the dependent child in question will be registered at a school for the penultimate or last year of secondary school at the beginning of the temporary assignment of the staff member concerned;
 - (c) the staff member concerned actually incurs education costs in relation to the full time attendance of the dependent child concerned at a secondary school;
 - (d) the staff member concerned is able to take up another posting in a Union delegation.
3. The education allowance may be granted for as long as the dependent child continues full time attendance in the penultimate or last year of secondary school, if the conditions laid out in paragraph 2 are still fulfilled, for a maximum of four years in total.
4. By way of derogation from paragraph 2(b) and paragraph 3, contract staff who are temporarily assigned may benefit from the education allowance for a maximum of four years, for children attending secondary school full time, including if the child in question is not enrolled at secondary school at the beginning of the temporary assignment, but is subsequently enrolled at secondary school during the period of the temporary assignment of the contract staff concerned.
5. The education allowance granted per child shall in no circumstances exceed three times the doubled maximum education allowance.

Article 3
Final provisions

This Decision shall take effect on the day following that of its adoption.

Done at Brussels, 16.11.2021

For the Commission
Jutta URPILAINEN
Member of the Commission