

DECISION 03/2020 OF

THE GOVERNING BOARD OF THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY (EIT)

TO REQUEST THE COMMISSION'S AGREEMENT TO OPT-OUT OF COMMISSION DECISION C(2019) 4231 OF 12.6.2019 LAYING DOWN GENERAL IMPLEMENTING PROVISIONS ON THE CONDUCT OF ADMINISTRATIVE INQUIRIES AND DISCIPLINARY PROCEEDINGS

THE GOVERNING BOARD OF THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY,

Having regard to the Staff Regulations of Officials of the European Union (the "Staff Regulations") and the Conditions of Employment of Other Servants of the European Union (the "CEOS"), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular to Articles 49, 50, 50a and 119 of the CEOS;

Having regard to Council Regulation (EC) n. 294/2008 of 11 March 2008 establishing the European Institute of Innovation and Technology (the "EIT Regulation")²;

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 thereof³;

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations;

After consulting the Staff Committee;

WHEREAS

- 1) On 17.06.2019, the Commission notified the EIT about the adoption of Commission Decision C (2019) 4231 of 12.6.2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings.
- 2) However, Agencies were informed that the Standing Working Party had assessed the above-mentioned decision and had concluded that a model decision for Agencies submitted for ex-ante agreement of the Commission would be necessary, since this Commission Decision could not be applicable by analogy to Agencies.
- 3) Pursuant to Article 110(2) of the Staff Regulations, implementing rules such as those referred to in paragraph 1 are to apply by analogy to the EIT. 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.

¹ OJ L 56 of 4.3.1968, p.1.

² OJ L347 of 20.12.2013

³ OJ C 2014 6543 of 26.9.2014

- 4) It was confirmed that the Standing Working Party is preparing a model decision that takes into account the peculiarities of the Agencies. This model decision will be submitted for ex-ante agreement of the Commission.
- 5) Once the Commission gives the agreement to the model decision, Agencies will be able to adopt the implementing rule based on that model.
- 6) The Staff Committee has been consulted and agreed with the opt-out.

HAS DECIDED AS FOLLOWS:

Article 1

In view of adopting the ex-ante agreed model decision for Agencies when ready, the Governing Board of the EIT empowers its Director to request the Commission's agreement to opt out of Commission Decision C(2019) 4231 of 12.6.2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings.

Article 2

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

Done at Budapest, on 17 February 2020

For the Governing Board

[Signed]

Chairperson of the Governing Board
Dirk Jan Van Den Berg