



## **SHIFT2RAIL JOINT UNDERTAKING**

### **DECISION OF THE GOVERNING BOARD**

#### **on the Staff Regulation and the Conditions of Employment of Other Servants of the European Union (CEOS) implementing rules**

**N° 6 /2015**

THE GOVERNING BOARD OF THE SHIFT2RAIL JOINT UNDERTAKING,

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

Having regard to Council Regulation (EU) No 642/2014<sup>1</sup> of 16 June 2014 establishing the Shift2Rail Joint Undertaking, and in particular Article 6 paragraph 3 thereof;

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, EURATOM, ESCS) No 259/68<sup>2</sup>, and in particular to Article 110 of the Staff Regulations;

Having regard to Article 110(2) of the Staff Regulations and in compliance with Point 2.B of the Commission Guidelines on the implementation of Article 110(2) of the Staff Regulations<sup>3</sup>;

Having regard to the fact that the Staff Committee of the Joint Undertaking, which is to be consulted pursuant to Article 110(2) of the Staff Regulations, has not yet been constituted and it is therefore impossible at the present to comply with the requirements of that provision. The Staff Committee will be invited to give its opinion on the relevant implementing rules when it has been constituted and due consideration will be given to its opinion;

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<sup>1</sup> OJ L 177, 17.06.2014, p. 9.

<sup>2</sup> OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, EURATOM) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15.

<sup>3</sup> 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, paragraph 2, of the Staff Regulations.

Whereas it is necessary and opportune for the Shift2Rail Governing Board to adopt the appropriate implementing measures for giving effect to the Staff Regulations and the CEOS;

HAS DECIDED AS FOLLOWS:

*Article 1*

The Commission Decisions giving effect to the Staff Regulations and CEOS, as listed in Annex I to the present Decision, shall apply by analogy to the Shift2Rail Joint Undertaking as from the day following that of the adoption of the present Decision.

*Article 2*

The Shift2Rail Governing Board shall request the Commission agreement to the non-application by analogy of the Commission Decisions listed in Annex II to the present Decision in view to adapt them to the S2R peculiarities.

*Article 3*

The Shift2Rail Governing Board shall request the Commission agreement to the non-application by analogy of the Commission Decisions listed in Annex III to the present Decision.

*Article 4*

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

Done at Brussels, on 16 July 2015

  
João AGUIAR MACHADO  
The Chairperson

## ANNEX 1

### Commission Decisions implementing Staff Regulations and CEOS

1. Commission decision on types of post and post titles (C(2013) 8979 of 16/12/2013).
2. Commission decision on outside activities and assignments (C(2013) 9037 of 16/12/2013).
3. Commission decision laying down general implementing provisions concerning the criteria applicable to classification in step on appointment or engagement (C(2013) 8970 of 16/12/2013).
4. Commission decision on working time (C(2014) 2502 of 14/04/2014).
5. Commission decision on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work (C(2013) 9046 of 16/12/2013).
6. Commission decision on leave (C(2013) 9051 of 16/12/2013).
7. Commission decision on general implementing provisions on granting the education allowance (Article 3 of Annex VII to the Staff Regulations) (C(2013) 8971 of 16/12/2013).
8. Commission decision laying down general implementing provisions to Article 7 (4) of Annex VII to the Staff Regulations on determining the place of origin (C(2013) 8982 of 16/12/2013).
9. Commission decision on laying down general provisions giving effect to Article 8 of Annex VII to the Staff Regulations (C(2013) 8987 of 16/12/2013).
10. Commission decision on general Implementing Provisions on removal expenses (Article 9 of Annex VII to the Staff Regulations) (C(2013) 9040 of 16/12/2013).
11. Commission decision on maternity leave and maternity pay for women whose maternity leave begins before the end of their contract (Articles 17 and 91 of CEOS) (C(2013) 9020 of 16/12/2013).

12. Commission decision on concerning the implementation of teleworking in Commission departments from 2010 to 2015 (C(2009) 10224 of 18/12/2009) and Commission decision amending Article 7(5) and (7) of Commission Decision C(2009)10224 of 18 December 2009 concerning the implementation of teleworking in Commission departments from 2010 to 2015 (C(2013) 9045 of 16/12/2013).
13. Commission decision on implementing article 1d (4) of the staff regulations (C(2004) 1318 of 7/04/2004).
14. Commission decision on the guidelines for assistance with home care or care for a sick child (C(2013) 4876 of 7/08/2013).
15. Commission decision on the general provisions for implementing Article 42a of the Staff Regulations concerning parental leave (C(2010) 7572 of 5/11/2010).
16. Commission decision on Article 42b of the Staff Regulations concerning family leave (C(2010) 7497 of 5/1/2010).
17. Commission decision on Article 55b of the Staff regulations concerning job-sharing (C(2004) 1314 of 14/04/2004).
18. Commission decision on General implementing provisions concerning persons to be treated as dependent children (Article 2(4) of Annex VII to the Staff Regulations) (C(2004) 1364/2 of 15/04/2004).
19. Commission decision on general implementing provisions on granting the household allowance by special decision (C(2004) 1364/4 of 15/04/2004).
20. Commission decision on general implementing provisions for giving effect to articles 67 and 68 of the staff regulations and articles 1, 2 and 3 of annexe VII thereto (C(2004) 1364/4 of 15/04/2004).
21. Commission decision on general implementing provisions adopting the Guide to missions for officials and other servants of the European Commission (C(2008) 6215 of 18/11/2008).
22. Commission decision on general implementing provisions for Article 4 of Annex VIII to the Staff Regulations concerning the taking into account, for purposes of calculating pension rights, of periods of activity previously completed by staff before they resume active employment (C(2004) 1364 of 15/04/2004).
23. Commission decision on the general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on the transfer of pension rights (C(2011) 1278 of 3/03/2011).
24. Commission decision introducing implementing provisions on absences as a result of sickness or accident (C(2004) 1597/11 of 28/04/2004).

## ANNEX II

### Commission Decisions implementing Staff Regulations and CEOS

25. Commission 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 by the Commission under the terms of Articles 3a and 3b of the said Conditions (C(2011) 1264 of 02.03.2011) and Commission decision 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 (C(2013) 8967 of 16/12/2013).
26. Commission decision on measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Union (C(2013) 9054 of 16/12/2013).
27. Commission decision laying down general provisions for implementing Article 45 of the Staff Regulations C(2013) 8968 of 16/12/2013).
28. Commission decision of 3/5/2013 on general provisions for implementing Article 87(3) of the Conditions of Employment of Other Servants of the European Union (C52013) 2529 of 03/05/2013) and Commission decision of 7/4/2014 amending the Commission Decision of 3 May 2013 laying down general provisions for implementing Article 87(3) of the Conditions of Employment of Other Servants of the European Union (C(2014) 2222 of 07/04/2014).
29. Commission decision on the European Commission policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment (C(2006) 1624/3 of 26/04/2006).
30. Commission decision on general implementing provisions on the conduct of administrative inquiries and disciplinary procedures (C(2004) 1588 of 28/11/2010) and Commission decision to modify Article 7(2) and (3) of Commission Decision C(2004)1588 of 28 April 2004 - General implementing provisions on the conduct of administrative inquiries and disciplinary procedures of 24 November 2010 (C(2010) 8180 of 24/02/2010).
31. Commission decision on middle management staff (C(2008) 5028/2 of 9/09/2008).
32. Establishment of a Staff Committee (Decision of 23/12/1997).
33. Commission decision laying down implementing rules as regards temporary occupation of management posts (C(2009) 7839 of 19/10/2009).

## ANNEX III

### **Commission Decisions implementing Staff Regulations and CEOS**

34. Commission decision on policies for the engagement and use of temporary agents (C(2013) 9049 of 16/12/2013).
35. Commission decision on the maximum duration for the recourse to non-permanent staff in the commission services (C(2004) 1597/6 of 28/04/2004, Commission decision amending the Commission decision C(2004)1597/6 of 28/04/2004 on the maximum duration for the recourse to non-permanent staff in the Commission services (C(2011) 7071 of 05/10/2011) and Commission decision amending Commission Decision of 28 April 2004 on the maximum duration for the recourse to non-permanent staff in the Commission services (C(2013) 9028 of 16/12/2013).
36. Commission decision on reimbursements due to officials assigned to non-member countries (C(2013) 8990 of 16/12/2013).
37. Commission decision on rules for the implementation of housing policy in EU delegations (C(2013) 8965 of 16/12/2013).
38. Commission decision on the living conditions allowance and the additional allowance referred to in Article 10 of Annex X to the Staff Regulations (C(2013) 9032 of 16/12/2013).
39. Commission decision 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) (C(2013) 9035 of 16/12/2013).
40. Commission decision on management of rest leaves pursuant to Article 8 of Annex X to the Staff Regulations (C(2013) 9027 of 16/12/2013).
41. Commission decision on the duties of Commission drivers (C(2004) 1318 of 07/04/2004).