



DECISION OF THE GOVERNING BOARD

on giving a mandate to the Executive Director to request the Commission's agreement to the non-application of Commission Decision C(2019) 4231 final of 12/06/2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings

N° 10/2019

THE GOVERNING BOARD OF THE SHIFT2RAIL JOINT UNDERTAKING (hereinafter "S2R JU"),

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, ECSC) No 259/68¹, and in particular Article 110(2) of the Staff Regulations,

Having regard to Council Regulation (EU) No 642/2014 of 16 June 2014 establishing the S2R JU², and in particular Article 6 (3) thereof,

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 thereof,

Having regard to the rules of procedure of the Governing Board of S2R JU and in particular Article 8 thereof,

After consulting the Staff Committee,

WHEREAS

- (1) Article 110(2) of the Staff Regulations states that implementing rules adopted by the Commission to give effect to these Staff Regulations shall apply by analogy to the Agencies and Joint Undertakings. Such implementing rules shall enter into force nine months after their entry into force at the Commission or nine months after the date on which the Commission informed the Joint Undertaking of the adoption of the respective implementing rule, whichever is later. Notwithstanding the foregoing, a Joint Undertaking may also decide that such implementing rules are to enter into force at an earlier date;

¹ 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

² OJ L 177, 17.06.2014, p.9.

- (2) Article 110(2) of the Staff Regulations also states that by way of derogation, a Joint Undertaking 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, a Joint Undertaking may request the agreement of the Commission on the non-application of certain of those implementing rules (opt-out);
- (3) On 17 June 2019, the European Commission informed Agencies and Joint Undertakings of adoption of the implementing rules listed in Annex I giving effect to the Staff Regulations;
- (4) Specific model decisions on those matters will be drafted for agencies and joint undertakings.
- (5) Pending the Commission agreement on those model decisions, S2R JU needs to request derogation from the application by analogy of the Commission Decisions listed in Annex I.
- (6) The S2R JU will assess whether it wishes to adopt rules based on the model decisions or to request an individual agreement regarding different rules.

HAS DECIDED AS FOLLOWS:

Article 1

The Governing Board of S2R JU hereby gives a mandate to the Executive Director to request the Commission's agreement to the non-application of implementing rules of the Staff Regulations adopted by the Commission and referred to in Annex I in view of adapting them to the S2R JU peculiarities.

Article 2

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

Done at Brussels, on 14 November 2019.

For the Governing Board,

A handwritten signature in black ink, consisting of stylized capital letters 'H' and 'H' followed by a cursive 'o' and a long horizontal stroke.

Henrik HOLLEI
The Chairperson

Annex I

List of implementing rules giving effect to the Staff Regulations for which an opt-out will be requested

- Commission Decision C(2019) 4231 final of 12/06/2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings.