



DECISION 14/2022
OF THE GOVERNING BOARD OF
THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY (EIT)

ON THE ESTABLISHMENT OF THE GOVERNING BOARD 'APPEALS COMMITTEE'

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

Having regard to Regulation (EU) 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology ('EIT Regulation')¹, and in particular Annex I, Section 2, 3 (c) thereto,

Having regard to Decision 20/2021 of the Governing Board of the European Institute of Innovation and Technology ('EIT') of the powers conferred by the Staff Regulations on the appointing authority and by the Conditions of Employment of other servants on the authority authorised to conclude contracts of employment², and in particular Article 2(1) and 2(4) thereof,

WHEREAS

- (1) By virtue of Annex I, Section 2, 3 (b) of the Statutes annexed to the EIT Regulation, the powers of the appointing authority and the authority authorised to conclude contracts of employment ('appointing authority powers') are conferred on the Governing Board of the EIT.
- (2) Pursuant to Annex I, Section 2, 3 (c) of the Statutes annexed to the EIT Regulation, the Governing Board shall, in accordance with Article 110(2) of the Staff Regulations, adopt a decision delegating the relevant appointing authority powers to the Director of the EIT.
- (3) By virtue of Article 2(1) of Decision 20/2021 of the Governing Board of the EIT, the powers conferred by the Staff Regulations on the appointing authority and by the CEOS on the authority empowered to conclude contracts of employment have been delegated to the Director of the EIT.
- (4) Notwithstanding the above, pursuant to Article 2(4) of Decision 20/2021 of the Governing Board, the powers conferred by the Staff Regulations concerning complaints submitted under Article 90(2) of the Staff Regulations against decisions of the Director remain with the Governing Board of the EIT.
- (5) According to Article 90(2) of the Staff Regulations, a reasoned decision shall be notified to the person concerned within four months from the date of which the complaint was lodged.

¹ OJ L 189, 28.5.2021, p. 61–90

² Ref. Ares(2021)3798352 - 10/06/2021



- (6) Complaints lodged under Article 90(2) of the Staff Regulations, should be treated with urgency and with the utmost confidentiality.
- (7) For reasons of expediency and flexibility, it is appropriate to establish within the Governing Board of the EIT a smaller and ad hoc committee named “Governing Board Appeals Committee” to exercise the relevant appointing authority powers on its behalf.

HAS DECIDED AS FOLLOWS:

***Article 1
Establishment***

A Governing Board Appeals Committee (hereinafter “Appeals Committee”) is hereby established to deal with complaints submitted under Article 90(2) of the Staff Regulations against decisions taken at the level of the EIT Director.

***Article 2
Composition***

1. The Appeals Committee shall be composed of three representatives from the members of the Governing Board nominated and appointed by the Governing Board and an observer from the Commission.
2. The Appeals Committee shall have an alternate member nominated and appointed by the Governing Board. The alternate shall represent any member in his/her absence, including the Chair of the Appeals Committee.
3. The Appeals Committee shall appoint its Chair from among the three representatives from the Governing Board.

***Article 3
Term of Office***

1. The term of office of members and alternate shall be two years. The Governing Board may extend the term of office once for a further two-year period.
2. The term of office of a member of the Appeals Committee shall end on the date on which his or her mandate as member of the Governing Board ends. In the event that a member is unable to complete his or her term of office, he/she shall be replaced by a substitute member appointed by the Governing Board for the remaining period of his/her mandate.
3. In case one of the members of the Appeals Committee is prevented from exercising his/her functions (e.g. due to a conflict of interest), the member must be replaced for that particular case by the appointed alternate or in absence of an appointed alternate, by an ad hoc member appointed by the Governing Board. In the absence of the Chair of Appeals Committee due to a conflict of interest for a particular case, the alternate member will act as Chair.



Article 4 ***Role and functioning***

1. The Appeals Committee shall exercise the following function on behalf of the Governing Board: to adopt the decisions of the Authority Empowered to Conclude Contracts of Employment in response to complaints submitted under Article 90(2) of the Staff Regulations when the contested decision was taken by the EIT Director.
2. The Committee shall strive to make decisions by consensus. In the event that consensus could not be reached, the Appeals Committee shall take the decision by simple majority. In the event of a tie, the chair of the Appeals Committee or his/her alternate shall have the decisive vote. The Commission observer has no voting rights and does not count toward the minimum quorum. The minutes of the Appeals Committee shall contain the different opinions expressed.
3. Meetings of the Appeals Committee shall take place at the premises of the EIT or via video-conference or other technical means. The number of meetings to be held per year will depend on the complaints submitted and, on the time required by the Appeals Committee for deliberations and decision to be made on the related complaint.
4. A decision shall be taken and notified to the person concerned by the Appeals Committee within four months from the date on which the complaint was lodged.

Article 5 ***Support by EIT***

1. The EIT shall ensure adequate legal expertise and administrative assistance as well as offering training to the Appeals Committee members for the handling of complaints submitted under Article 90 (2) of the Staff Regulations. Such support shall be provided by the Human Resources Section and a legal officer of the Agency.
2. The EIT shall provide to the Appeals Committee all information that is necessary for it to carry out its role.

Article 6 ***Rules of Procedure***

The Appeals Committee may adopt its own rules of procedure.

Article 7 ***Confidentiality and Independence***

1. Members of the Appeal Committee shall treat the complaints submitted under article 90(2) of the Staff Regulations and handle any documents received in this regard with the utmost confidentiality.
2. The Chair and the other members of the Appeal Committee must be independent of any internal or external influence in the conduct of their mandate. They must not take part in the deliberations or consultations and decisions of the Appeal Committee regarding any case in which they have a personal interest. They must perform their duties in good faith, honestly and impartially and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest.



Article 8
Reporting to the Governing Board

1. The Chair of the Appeal Committee shall provide information on the exercise of this task to the Governing Board.
2. The information provided to the Governing Board shall be depersonalised to the extent possible.

Article 9
Entry into force

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

Done in Budapest on 29 April 2022

For the EIT

Gioia Ghezzi
Chairperson of the Governing Board