

**DECISION 3/2018**  
**OF THE GOVERNING BOARD OF**  
**THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY (EIT)**

**ON THE GENERAL PROVISIONS FOR IMPLEMENTING ARTICLE 79 (2) OF CEOS - EMPLOYMENT  
OF CONTRACT STAFF EMPLOYED BY THE COMMISSION UNDER THE TERMS OF ARTICLES 3a and 3b  
THEREOF**

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

Having regard to Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology<sup>1</sup>, as amended by Regulation (EU) No 1292/2013 of the European Parliament and of the Council of 11 December 2013<sup>2</sup> (hereinafter "EIT Regulation"), in particular, Section 5 (1) of the Statutes of the European Institute and Technology annexed to the EIT Regulation (hereinafter "Statutes");

Having regard to the Staff Regulations of Officials of the European Union ("Staff Regulations") and the Conditions of Employment of Other Servants of the European Union ("CEOS"), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, and in particular title IV of the CEOS;

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 agreement of the European Commission pursuant to Article 110 (2) of the Staff Regulations,

After consulting the Staff Committee,

**WHEREAS**

- (1) On 20.10.2017, the Commission notified the Agency it adopted Commission Decision C(2017) 6760 on the general provisions for implementing Article 79(2) of CEOS - employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof.
- (2) However, Agencies were informed that the Standing Working Party had assessed Commission Decision C (2017) 6760 and had concluded that a model decision for Agencies submitted for ex-ante agreement of the Commission would be necessary as this Commission Decision could not be applicable by analogy to Agencies.
- (3) Pursuant to Article 110 (2) of the Staff Regulations, implementing rules shall 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.

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<sup>1</sup> OJ L97 of 09.04.2008, p. 1.

<sup>2</sup> OJ L347 of 20.12.2013, p. 174.

- (4) On 13.12.2017 it was confirmed the Standing Working Party is preparing a model decision which will be submitted for ex-ante agreement of the Commission and which takes into account the specificities of Agencies. Once the Commission gives the agreement to the model decision, Agencies will be able to adopt the implementing rule based on that model.
- (5) 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 Agency shall opt-out on the Commission Decisions C(2017) 6760 on the general provisions for implementing Article 79(2) of CEOS - employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof.

**Article 2**

This Decision shall take effect on the day following its adoption. It will be published on the EIT's website.

*Done in Budapest on 14 February 2018<sup>3</sup>*

***Signed***

Peter Olesen

Chairman of the EIT Governing Board

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<sup>3</sup> Approved by the EIT Governing Board via written procedure on 14 February 2018