



## **DECISION OF THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING**

### **Setting up a Staff Committee**

THE GOVERNING BOARD OF THE ECSEL JOINT UNDERTAKING,

HAVING REGARD to the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>, and in particular Article 9, 10 and 10a of the Staff Regulations, and Article 1 of Annex II, concerning the Staff Committee,

HAVING REGARD to Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking (hereinafter 'the ECSEL JU'), and in particular Article 7(3)(m) of the Statutes in Annex,

Having regard to the fact that the Staff Committee of the the ECSEL JU, 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. The Governing Board is entitled in such circumstances to approve the rules forthwith,

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

WHEREAS:

- 1) The Staff Committee shall represent the interests of the staff vis-à-vis the ECSEL JU and shall provide a channel for the expression of opinion by staff,
- 2) The Joint Undertaking shall adopt the appropriate implementing rules for giving effect to these Staff Regulations, after consultation of the relevant Staff Committee,

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<sup>1</sup> OJ L 56 of 4.3.1968, p. 1.

3) The Staff Committee shall insure the fair representation of staff of the ECSEL JU.

HAS DECIDED AS FOLLOWS:

*Article 1*

The Staff Committee shall represent the interests of the staff vis-à-vis the ECSEL JU, and maintain continuous contact between the ECSEL JU and its staff. It shall contribute to the smooth running of the ECSEL JU by providing a channel for the expression of opinion by staff.

*Article 2*

1. The Staff Committee shall bring to the notice of the Executive Director of the ECSEL JU or other persons designated by him/her any difficulties having general implications concerning the interpretation and application of the Staff Regulations. It may be consulted on any difficulty of this kind.
2. The Staff Committee shall submit to the Executive Director suggestions concerning the organisation and operation of the ECSEL JU's services and proposals for the improvement of staff working conditions or general living conditions.
3. The Staff Committee shall participate in the management and supervision of social welfare bodies set up by the ECSEL JU in the interests of its staff. It may, with the consent of the Executive Director, set up such welfare bodies.

*Article 3*

The Staff Committee shall be consulted regarding the appropriate implementing rules giving effect to the Staff Regulations within the ECSEL JU, before they are adopted by the Governing Board, as laid down in Article 110(2) of the Staff Regulations.

*Article 4*

1. The composition of the Staff Committee shall, in the extent possible, reflect the staff composition within the ECSEL JU.

The Staff Committee shall consist of 3 full members and 3 alternate members, if there are enough candidates.

2. If there are enough candidates, an alternate member may be elected as well. An alternate member shall replace a full one during the period that the latter is unable to perform his/her tasks. Alternate members may step in for any full member.
3. The duties undertaken by full members or by alternate members of the Staff Committee shall be deemed to be part of their normal service in the ECSEL JU. The fact of performing such duties shall in no way be prejudicial to the person concerned.

4. No full or alternate member of the Staff Committee may be dismissed during his/her term of office, unless on grounds justifying dismissal without notice.

5. Membership in the Staff Committee does not constitute a special standing with regard to the extension of a service contract limited in time.

#### *Article 5*

1. The term of office of the Staff Committee shall be two years.

2. The Staff Committee shall elect a Chairman by an absolute majority of its members.

3. The term of office of a member of the Staff Committee shall cease upon death, resignation from the Committee, or termination of employment with the ECSEL JU.

4. Should the term of a member of the Staff Committee cease prematurely, his/her office shall be attributed to the unelected candidate with the highest number of votes at the last election from the same function group or type of staff as that of the member in question. In case of list votes, the candidate shall be taken from the same list.

5. Any member of the Staff Committee who changes function group or type of staff during his/her term of office shall remain in office until expiry of the term of the Staff Committee.

6. In the event of collective resignation of the Staff Committee or a successful motion of no-confidence, new elections shall be organised within one month.

7. If the term of office of the Staff Committee expires before a new Committee has been elected, the sitting members shall remain in office until replaced by newly elected members.

#### *Article 6*

1. The Staff Committee shall adopt its own rules of procedure, which shall be notified to the Executive Director and to staff and it may also determine the distribution of duties among its members.

2. The Staff Committee and the Executive Director shall meet at least two times a year, and at the request of the Staff Committee or the Executive Director, at any time on any urgent matter.

3. The Staff Committee shall meet at least every three months.

4. The Staff Committee shall convene a general meeting of staff at least once a year in order to present a report on its activities and propose its future action plans.

5. Meetings of the Staff Committee shall be competent to transact business only where at least two thirds of its full members are present or represented by alternates. If the quorum is not reached, the meeting shall be reconvened by means of a letter sent to all the members and alternates in accordance with the rules of procedure, specifying that a reduced quorum applies, consisting of a majority of the members or alternates.
6. Decisions shall be taken by a majority of members present or represented by alternates.
7. The observer(s) representing the Seconded National Experts shall have no vote but shall be duly heard in all matters affecting, directly or indirectly, the Seconded National Experts.

#### *Article 7*

1. If consulted, the Staff Committee shall have a minimum period of 15 working days to declare its position on relevant matters.
2. In case of urgent and exceptional matters, this period may be shortened on the basis of a consensus between the Chairman of the Staff Committee and the Executive Director.
3. If no opinion has been delivered within the period prescribed, the ECSEL JU shall take its decision.

#### *Article 8*

1. Subject to the agreement of the Executive Director, the Staff Committee shall be entitled to make use of the ECSEL JU facilities for printing and communication, in order to perform its duties and to inform staff.
2. Missions carried out by members of the Staff Committee, in the exercise of their duties, shall be reimbursed according to the normal rules applied within the ECSEL JU.

#### *Article 9*

1. The conditions for the election of the Staff Committee shall be laid down as rules of electoral procedure at a general meeting of the staff of the ECSEL JU and shall be such as to ensure that staff members of all categories and services are represented in the Staff Committee.
2. The members of the Staff Committee shall be elected by a secret ballot of officials and other servants whose contracts are for an indefinite period or for one year or more, and other servants whose contracts are for less than a year provided they have been employed for at least six months.
3. A servant with an indefinite contract or whose contract is for one year or more shall be entitled to stand for election to the Staff Committee.

4. Elections shall be valid only if two-thirds of those entitled to vote take part. However, if this proportion is not attained, the second vote shall be valid if the majority of those entitled to vote take part. This second vote shall be organised immediately.

*Article 10*

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

Done at Brussels on, 5 November 2014

For the Governing Board

*(signed)*  
Heinrich Daembkes  
Chairperson of the Governing Board