



European Maritime Safety Agency

**DECISION OF THE ADMINISTRATIVE BOARD** of 10/03/05  
**SETTING UP THE STAFF COMMITTEE**

**EMSA STAFF COMMITTEE REGULATION**

The Administrative Board of the European Maritime Safety Agency,

having regard to the Staff Regulations of officials and the conditions of employment of other servants of the European Communities and in particular article 9, 10, 10a and 110 of the Staff Regulations and article 1 of annex II, concerning the Staff Committee;

has decided to set up a Staff Committee:

**Article 1: Purpose and scope**

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

**Article 2: Tasks**

1. The Staff Committee shall bring to the notice of the Executive Director of the Agency any difficulty 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 EMSA 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 activities and/or bodies set up by the Agency in the interests of its staff. It may, with the consent of the Executive Director, set up such activities or bodies.

**Article 3: Implementing the Staff Regulation**

The Staff Committee will be consulted regarding the special implementing rules for giving effect to the Staff Regulations within the Agency, before they are being adopted by the Administrative Board.

#### **Article 4: Composition of the Staff Committee**

- 1 The Staff Committee shall consist of a fair representation of the staff of the Agency in terms of categories of staff and their size.
2. The Staff Committee will be composed of:
  - 3 permanent members representing A grades (function group AD) of all categories of staff;
  - 2 permanent members representing B and C grades (function group AST), of all categories of staff;
  - 1 observer representing the Seconded National Experts.

The composition can before a new election be changed jointly by the Staff Committee and the Executive Director in case the composition does no longer reflect the actual situation within EMSA.
3. If there are enough candidates, for each category an alternate member may be elected as well. An alternate member shall replace a permanent one during the period that the latter is unable to perform his/her tasks. Alternate members may step in for any permanent member.
- 4 The duties undertaken by members or by alternate members of the Staff Committee shall be deemed to be part of their normal service in EMSA. The fact of performing such duties shall in no way be prejudicial to the person concerned.
5. No permanent or alternate member of the Staff Committee may be dismissed during his/her term of office, unless on grounds justifying dismissal without notice.
6. 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: Terms in office**

1. The term of office of the Staff Committee shall be three years.
2. The Staff Committee shall elect by majority from among its members a Chairman.
3. The term of office of members or deputy members of the Staff Committee shall cease upon death, voluntary withdrawal, or termination of employment with EMSA.
4. The Staff Committee can be dismissed by a motion of no confidence approved by a simple majority of the staff entitled to vote. This motion of no confidence shall be organised and implemented in accordance with the rules applicable for elections following a written request of 10 % of staff members.
5. Should the term of any member cease prematurely, his/her office shall be attributed to the candidate having polled, at the last election, the largest number of votes of the candidates not elected in the same of the three groups mentioned under Article 4 para 2 above.
6. Any member of the Staff Committee who changes employment category during his/her term of office shall remain in office until expiry of that term
7. 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.



8. The Staff Committee remains in function until a new Staff Committee has been elected.

#### **Article 6: Internal rules of procedure**

1. The Staff Committee shall adopt its own rules of procedure, which shall be notified to the Director and to the staff and it may also determine the distribution of duties among its members.
2. The Staff Committee and the Director shall meet at least twice a year and upon request of the Staff Committee or the Director on urgent matters.
3. The Staff Committee shall convene at least once every three months.
4. The Staff Committee shall convene a general assembly at least once a year in order to present an (oral) report on its past activities and propose its future action plan.
5. The Staff Committee shall form a quorum if at least three of its members or alternates are present.
6. Decisions shall be taken by a simple majority of members present.
7. The observer 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: Consultation of the Staff Committee**

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 Director
3. If no opinion has been delivered within the period prescribed, the Executive Director shall take his decision

#### **Article 8: Facilities at the disposal of the Staff Committee**

1. The Staff Committee shall be entitled to make use, after agreement of the Director and in accordance with the conditions in force, of EMSA facilities for reproduction and communication, for purposes of discharging its functions and informing the staff on matters concerning its activities.
2. Necessary missions carried out by the Staff Committee members, within the framework of their duties, shall be reimbursed according to the normal rules applied within EMSA.

**Proposal to the Staff Assembly of EMSA**  
**Rules governing the election of the Staff Committee**

**Article 1: Candidates**

1. The Executive Director will communicate the day for the election one month in advance (holidays excluded).
2. Candidates must express their intention to stand for election in writing, to the Head of Unit A, no later than 15 working days from the fixed date for election.
3. The list of candidates will be published no later than two working days after the closing date for applications.

**Article 2: Election Committee**

1. A Committee of three members appointed by the Executive Director - if a staff committee already exists in agreement with the Staff Committee - and chosen from staff who have not applied for elections, will supervise the voting activities and count votes after the electoral operation has been closed.
2. A ballot-box shall be installed.

**Article 3: Election**

1. Statutory staff of EMSA (Permanent Officials and Temporary Agents) and Auxiliaries/Contract Agents with a contract of one year or longer are allowed to vote, as well as Seconded National Experts.

An Auxiliary/Contract Agent with a contract of less than one year shall be entitled to vote if he has been employed for at least six months.

Consultants or other staff not belonging to the above categories, are not allowed to vote or to be a candidate.

2. The Electoral Committee will give each voter for his or her category of staff a ballot-paper containing the list of candidates in alphabetical order per voting category.
3. A ballot-paper containing more than one allowed crosses or bearing signs shall be considered invalid.
4. The election will only be valid if two-thirds of the staff who are entitled to vote actually takes part. Should less than two-thirds of the staff vote, a second vote should be organised, within ten working days, in which case the participation of a simple majority of the staff eligible to vote will be sufficient to ensure the validity of the vote.
5. Ballot-papers which are invalid or do not bear any vote indication shall be considered for the minimum quantity of voters required for the validity of the election.
6. Absent staff members who are unable to vote in person, are permitted to vote during the five working days preceding the election date. For this purpose, the HR Officer will supply the member of staff with a ballot paper and an envelope. The staff member shall then deliver his/her vote to the HR Officer in the envelope which he/she will have sealed beforehand and shall then sign his/her name on the list of staff members entitled to vote. The envelope will be opened at the counting of the votes.

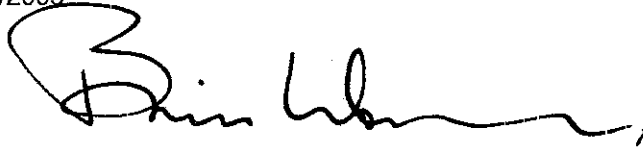


7. All candidates shall be ordered per category according to the number of votes they receive. The person or two persons, depending on the category, with the highest votes will automatically become member(s) of the Staff Committee; the following one will be considered as alternate member (Article 6.1 of EMSA Staff Committee Regulation.), in case the elected Staff Committee wants to use the possibility of having alternate members.
8. If two or more candidates receive the same number of votes, priority will be given to the candidate representing a unit that has no or the least representation at the Staff Committee.

#### **Article 4: Complaints**

1. Any candidate can submit a written complaint to the Executive Director, following the outcome of the election.
2. The complaint must be lodged within three working days from the date of the election.
3. The Executive Director will notify his decision within five working days from the date on which the complaint was lodged

Done at *London* on *22 03* 2005



B. Wadsworth  
Chairman of the Administrative Board