

DECISION OF THE ADMINISTRATIVE BOARD on setting up a Staff Committee

THE ADMINISTRATIVE BOARD OF THE EUROPEAN MARITIME SAFETY AGENCY,

Having regard to the Treaty on the Functioning of the European Union,

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 259/68,¹ and in particular Articles 9, 10a and 110(2) thereof, Article 1 of Annex II to the Staff Regulations and Article 7 of the CEOS,

Having regard to Council Regulation (EC) N° 1406/2002 of 27 June 2002, as amended, establishing the European Maritime Safety Agency;

Having regard to the 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 C(2016)3323 of 27 May 2016,

After consulting the Staff Committee,

Whereas:

- 1) The Agency should set up a Staff Committee which should represent the interests of the staff vis-à-vis the Agency.
- 2) A Staff Committee should perform the functions assigned to it by the Staff Regulations, in particular by Articles 9(3) and 110(2) thereof.
- 3) The Agency should determine the composition and procedure of the Staff Committee in accordance with the provisions of Annex II to the Staff Regulations while, according to Article 9(2) of the Staff Regulations, a derogation regarding membership is possible to take into account the composition of the Agency's staff.
- 4) In the interest of clarity and legal certainty, the Decision of the EMSA Administrative Board of 10 March 2005 on setting up a Staff Committee should be repealed and replaced by this Decision,

HAS DECIDED AS FOLLOWS:

Article 1 - Scope

1. A Staff Committee (hereinafter 'the Committee') is hereby created.
2. This Decision governs the composition and functioning of the Committee within EMSA.

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.

3. The Committee represents staff covered by the Staff Regulations and the CEOS. These staff comprise officials, temporary staff, contract staff and other categories of staff, if any, referred to in Article 1 of the CEOS. Collectively, these staff are hereinafter referred to as 'the staff', unless otherwise specified.

Article 2 – Tasks

1. The Committee shall represent the interests of the staff vis-à-vis EMSA and maintain continuous contact between EMSA and its staff.
2. The Committee shall contribute to the smooth running of the Agency by providing a channel for the expression of opinion by the staff.
3. The Committee shall bring any difficulty that has general implications concerning the interpretation and application of the Staff Regulations and the CEOS to the notice of:
 - the head of the Agency as referred to in the act establishing the Agency ('the Executive Director'); or
 - other persons designated by the Director, exceptionally,
 - in specific, duly justified cases, the Management Board or the equivalent body referred to in the act(s) establishing the Agency.

The Committee may be consulted on any difficulty of this kind.

4. The Committee shall submit to the Director suggestions concerning the organisation and operation of Agency's services and proposals for the improvement of staff working conditions or general living conditions.
5. The Committee shall participate in the management and supervision of social welfare bodies set up by Agency in the interests of its staff. It may, with the consent of the Director, set up such welfare bodies.
6. The Committee shall be consulted on implementing rules giving effect to the Staff Regulations and to the CEOS before the Management Board or the equivalent body referred to in the act(s) establishing the Agency decide on their application within the Agency.
7. The Committee shall exercise any other role provided for in the Staff Regulations, in implementing measures to the Staff Regulations/CEOS and in any act adopted by the Agency.

Article 3 — Composition

1. The composition of the Committee, as set out below, shall, as far as possible, reflect the composition of the Agency's staff, in particular as regards the categories of staff.
2. The Committee shall consist of five full members.
3. If there are enough candidates, each full member shall have an alternate. The alternate member shall replace a full member in the latter's absence.

Article 4 — Terms of office

1. The term of office of the Committee shall be three years.
2. In the event of the Committee collectively resigning or a motion of no-confidence in it being passed, new elections shall be organised within one month.
3. If the Committee's term of office expires before a new Committee has been elected, the sitting members shall remain in office until replaced by the newly elected members. This period shall not be longer than six months.

Article 5 — Membership

1. The duties undertaken by members of the Committee shall be deemed to be part of their normal service in the Agency. The fact of performing such duties shall in no way be prejudicial to the person concerned.
2. The term of office of a member of the Committee shall cease upon death, resignation from the Committee, or termination of employment with the Agency.
3. Membership of the Committee does not constitute special grounds for extending a time-limited employment contract.
4. A member of the Committee who changes function group or category of staff during his or her term of office shall remain in office until the term of the Committee expires.
5. Should the term of a full member of the Committee end prematurely, his or her office shall be attributed to:
 - the alternate member with the highest number of votes at the last election.

Article 6 — Functioning

1. The Committee shall elect a Chair and a Co-chair by a majority of its full members.
2. The Committee shall adopt its own rules of procedure, which shall be notified to the Director and to the staff. It may also determine the distribution of duties among its members.
3. The Committee shall meet at least four times a year.
4. The Committee and the Director shall meet at least two times a year and at the request of the Committee or the Director, at any time on any urgent matter.
5. The Committee shall convene a general meeting of staff at least once during its term of office in order to present a report on its activities and propose its future action plans.
6. Meetings of the Committee shall be competent to transact business only where at least the majority 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 or an email sent to all full members and alternates in accordance with the rules of procedure.
7. Decisions shall be taken by a majority of full members present or represented by alternates.

Article 7 — Consultation

1. If consulted, the Committee shall have a minimum period of 15 working days to declare its position on relevant matters.
2. If no opinion is delivered within the period prescribed, the Agency shall take its decision.

Article 8 — Facilities at the Committee's disposal

1. Subject to the agreement of the Director, the Committee shall be entitled to make use of the Agency's facilities in order to perform its duties and inform staff.
2. Missions carried out by members of the Committee, in the exercise of their duties, shall be reimbursed according to the standard rules applied by the Agency, including budgetary limitations.

Article 9 — Electoral rules

1. The conditions for electing the Committee shall be laid down as rules of electoral procedure at a general meeting of the staff of the Agency. These conditions shall ensure, to the extent possible, that staff of all categories are represented in the Committee.
2. The members of the Committee shall be elected by a secret ballot of:
 - officials;
 - staff members covered by the CEOS whose contracts are for an indefinite period or for one year or more; and
 - staff members covered by the CEOS whose contracts are for less than one year, provided they have been employed by the Agency for at least six months.
3. An official and a staff member, covered by the CEOS, with an indefinite contract or whose contract is for one year or more shall be entitled to stand for election to the Committee.
4. Elections shall be valid only if two thirds of those entitled to vote take part in the voting. If this proportion is not attained, the second vote shall be valid if the majority of those entitled to vote take part in the voting. The second vote shall be organised immediately after the first one.
5. The list of the Committee's members shall be brought to the attention of all the Agency's staff in a suitable form.

Article 10 — Final provisions

1. The Agency's Decision of 10/03/05 concerning setting up a Staff Committee is hereby repealed.
2. The Commission's Decision on the composition and functioning of the Staff Committee of 23/12/1997 does not apply by analogy at the EMSA.
3. This Decision shall take effect as from the first election after adoption of the present Decision.

Done at Lisbon by written procedure on 27 October 2016,

Frans Van Rompuy

Chairman of the Administrative Board

