

MANAGEMENT BOARD DECISION No 12/2014
of 21 May 2014
adopting by analogy the European Commission implementing rules

THE MANAGEMENT BOARD

Having regard to the Frontex Regulation¹, in particular Article 17(4) thereof;

Having regard to the Staff Regulations², in particular Article 110(2) thereof;

After consultation of the Frontex Staff Committee;

Whereas:

- (1) It is necessary to follow Article 110(2) of the Staff Regulations to adopt the appropriate implementing rules for giving effect to the Staff Regulation
- (2) The decisions of the European Commission setting up implementing rules for application of the revised Staff Regulations apply by analogy at Frontex and enter into force nine months after their entry into force at the European Commission or nine months after the date on which the European Commission informed Frontex of the adoption, whichever is later;
- (3) In the absence of derogation, these rules apply by analogy at Frontex as from 1 October 2014³;
- (4) An Agency may decide that such implementing rules enter into force at an earlier date after consultation of the Staff Committee;
- (5) Frontex deems appropriate to adopt by analogy, without waiting for the expiry of the time-limit, certain decisions of the European Commission setting up the implementing rules for the application of the Staff Regulations;
- (6) Some implementing rules to the Staff Regulations adopted by the European Commission after the entry into force of the Management Board Decision of 1 January 2005⁴ have not been formally adopted so far in Frontex;
- (7) It is necessary that the practical details (non-essential elements) of those implementing rules of the European Commission adopted by analogy in Frontex are adjusted to the organisational structure of Frontex and clarified accordingly through Frontex Administrative Notices;

¹ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, OJ L 349, 25.11.2004, p. 1, as last amended

² Council Regulation (EEC, Euratom, ECSC), No 259/68 of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community, OJ L 56/01, 4.3.1968, as last amended

³ Letter of the European Commission, DG Human Resources and Security, Note to the attention of the Directors of the EU Agencies, 17 December 2013

⁴ Management Board Decision No 6/2005 of 1 January 2005 on the adoption of implementing rules to the Staff Regulations

HAS DECIDED AS FOLLOWS:

Article 1

The implementing rules to the Staff Regulations, as adopted by the European Commission, and listed in the Annex 1, apply by analogy in Frontex.

Article 2

The implementing rules adopted by analogy by the Management Board Decision No 6/2005 of 1st January 2005, as listed in the Annex 2, are repealed.

Article 3

The practical details (non-essential elements) of those implementing rules of the European Commission in order to adjust them to the organisational structure of Frontex are issued through Frontex Administrative Notices.

Article 4

This decision takes effect on the day following the date of its adoption.

Done in Warsaw, 21 May 2014

For the Management Board

[signed]

Ralf Göbel
Chairperson

ANNEX 1

List of Commission Decisions (implementing rules) applicable by analogy in Frontex

1. Commission Decision laying down general implementing provisions concerning the criteria applicable to **classification in step on appointment or engagement** - (C(2013) 8970 of 16.12.2013)
2. Commission Decision on general implementing provisions on granting the **education allowance** (Article 3 of Annex VII to the Staff Regulations) - (C(2013) 8971 of 16.12.2013)
3. Commission Decision on **types of post and post titles** - (C(2013) 8979) of 16.12.2013)
4. Commission Decision laying down general implementing provisions to Article 7(4) of Annex VII to the Staff Regulations on **determining the place of origin** - (C(2013) 8982 of 16.12.2013)
5. Commission Decision laying down general provisions giving effect to Article 8 of Annex VII to the Staff Regulations - (C(2013) 8987 of 16.12.2013) on **payment of travel expenses**
6. Commission Decision on **maternity leave** and **maternity pay** for women whose maternity leave begins before the end of their contract (Articles 17 and 91 of CEOS) - (C(2013) 9020 of 16.12.2013)
7. Commission Decision on **outside activities** and assignments - (C(2013) 9037 of 16.12.2013)
8. Commission Decision general implementing provisions on **removal expenses** (Article 9 of Annex VII to the Staff Regulations) - (C(2013) 9040 of 16.12.2013)
9. Commission Decision concerning the **implementation of teleworking** in Commission departments from 2010 to 2015 (C(2009) 10224 of 18 December 2009) as amended by the Commission Decision (C(2013) 9045 of 16.12.2013)
10. Commission Decision on Article 55a of the Staff Regulations and Annex IVa thereto concerning **part-time work** - (C(2013) 9046 of 16.12.2013)
11. Commission Decision on **leave** - (C(2013) 9051 of 16.12.2013)
12. Commission Decision laying down general implementing provisions adopting the **Guide to Missions** for officials and other servants of the European Commission - (C(2008) 6215 of 18.11.2008)
13. Commission Decision on Article 42b of the Staff Regulations concerning **family leave** - (C(2010) 7494 of 5.11.2010)
14. Commission Decision on the general provisions for implementing Article 42a of the Staff Regulations concerning **parental leave** - (C(2010) 7572 of 5.11.2010)
15. Commission Decision on the general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on **the transfer of pension rights** - (C(2011) 1278 of 3.3.2011)

ANNEX 2

List of repealed implementing rules originally adopted as part of the Decision of the Management Board No. 6/2005 of 1 January 2005:

1. Commission decision on general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on **transferring pension rights** (C(2004) 1588 of 28.04.2004)
2. Commission decision on general implementing provisions for giving effect to Article 7(3) of Annex VII to the Staff Regulations on **determining the place of origin** (C(2004) 1364 of 15.04.2004)
3. Commission decision on general implementing provisions for the grant of **education allowance** (article 3 of annex VII to the Staff Regulations) (C(2004) 1313 of 07.04.2004)
4. Commission decision general provisions giving effect to **Article 8 of Annex VII** to the Staff Regulations (C(2004) 1588 of 28.04.2004)
5. Commission decision on general implementing provisions for Article 42a of the Staff Regulations concerning **parental leave** (C(2004) 1364 of 15.04.2004)
6. Commission decision on Article 42b of the Staff Regulations concerning **family leave** (C(2004) 1314 of 14.04.2004)
7. Commission Decision on general implementing provisions adopting the **Guide to missions** for officials and other servants of the European Commission C(2004) 1313 of 07.04.2004)
8. Commission Decision on introducing implementing **provisions on leave** (C(2004) 1597 of 28.04.2004)
9. Commission Decision on **outside activities and assignments** (C(2004) 1597 of 28.04.2004)
10. Commission Decision on general implementing provisions on the **early retirement** of officials and temporary agents **without reduction of pension rights** (C(2004) 1588 of 28.04.2004)
11. Commission Decision on general implementing provisions concerning the criteria applicable to **classification in grade and step on appointment and engagement** (C(2004) 1313 of 07.04.2004)
12. Commission Decision on Article 55a and Annex IVa of Staff Regulations **concerning part-time work** (C(2004) 1314 of 14.04.2004)