

MANAGEMENT BOARD DECISION No 18/2014
of 11 September 2014

**authorising the request for derogations and non-application of certain
European Commission implementing rules to the Staff Regulations**

THE MANAGEMENT BOARD

Having regard to the Frontex Regulation¹, and in particular Article 17(4) thereof, read together with the Staff Regulations², and in particular Article 110(2) thereof,

Whereas:

- (1) Frontex Management Board shall adopt the necessary implementing measures to the Staff Regulations in agreement with the European Commission pursuant to the Article 110 of the Staff Regulations of Officials of European Union;
- (2) Implementing rules to the Staff Regulations adopted by the European Commission (hereinafter “EC”) shall apply by analogy to EU agencies nine months after their entry into force in the EC or nine months after the date on which the EC has informed the agencies of the adoption of these rules;
- (3) Should an agency wish to derogate or not apply by analogy any of the EC implementing rules to the Staff Regulations, it is required to submit its justified request to the EC before the expiry of the nine months period;
- (4) Frontex came to conclusion that it would be contrary to Frontex interest to let certain EC implementing rules to the Staff Regulations enter into force in Frontex without taking into account specifics of Frontex and its staff

HAS DECIDED AS FOLLOWS:

Article 1
Authorisation

Frontex is authorised to request to the EC derogations and non-application of the following EC implementing rules to the Staff Regulations:

- on policies for the engagement and use of temporary agents (European Commission decision C(2013) 9049) - request for derogation;

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 Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Union (the CEOS), laid down originally by Council Regulation (EEC, Euratom, ECSC) No 259/68 OJ L 56, 4.3.1968, p. 1.

- laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations (European Commission decision C(2013) 8985) - request for derogation;
- laying down general provisions for implementing Article 45 of the Staff Regulations (European Commission decision C(2013) 8968) - request for derogation;
- on measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Union (European Commission decision C(2013) 9054) - request for derogation;
- amending Commission Decision of 2 March 2011 on the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b of the said Conditions (European Commission decision C(2013) 8967) - request for derogation;
- amending Commission Decision of 28 April 2004 on the maximum duration for the recourse to non-permanent staff in the Commission services (European Commission decision C(2013) 9028) - request for non-application as Frontex does not employ this category of staff.

Article 2

Adoption of Frontex implementing rules to the Staff Regulations

After receiving the respective formal agreement of the EC to modified “agencies-specific” versions of the first five implementing rules listed in Article 1, the final version of Frontex implementing rules to the Staff Regulations shall be presented to Frontex Management Board for their final adoption.

Article 3

Entry into force

This decision enters into force on the day following the date of its adoption.

Done by written procedure, 11 September 2014.

For the Management Board

[Signed]

Ralf Göbel
Chairperson