

**DECISION N° 5 of the Management Board of the European Foundation for the Improvement of Living and Working Conditions (Eurofound) on the establishment of the Management Board Committee on Staff Matters ('Committee on Staff Matters')**

THE MANAGEMENT BOARD OF THE EUROPEAN FOUNDATION FOR THE IMPROVEMENT OF LIVING AND WORKING CONDITIONS (EUROFOUND),

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<sup>1</sup>, and in particular to Articles 2(1) and Article 6 of the CEOS,

Having regard to Regulation (EU) 2019/127 of the European Parliament and of the Council of 16 January 2019 establishing the European Foundation for the improvement of living and working conditions (Eurofound), and repealing Council Regulation (EEC) No 1365/75<sup>2</sup> (hereinafter referred to as the 'Agency Regulation'), and in particular Articles 5(1) points (j) and (m) and (2),

Having regard to Eurofound's Financial Regulation<sup>3</sup>, and in particular Article 50(1),

Having regard to the decision of the Management Board of Eurofound delegating the powers conferred by the Staff Regulations of Officials of the European Union on the appointing authority and by the Conditions of Employment of Other Servants of the European Union on the authority empowered to conclude contracts of employment to the Executive Director of Eurofound, and in particular Articles 1(b) and 2(1), (3) and (4),

Whereas:

- 1) By virtue of point (j) of Article 5(1) of the Agency Regulation, the powers of the appointing authority and the authority empowered to conclude contracts of employment (hereinafter referred to as the 'appointing authority powers') are conferred on the Management Board of the Agency.
- 2) Pursuant to the first subparagraph of Article 5(2) of the Agency Regulation, the Management Board adopted, in accordance with Article 110(2) of the Staff Regulations, a decision delegating the relevant appointing authority powers to the Executive Director of the Agency.
- 3) The exercise of the aforementioned powers in relation to the appointment and removal from office of the Accounting Officer of Eurofound are not delegated to the Executive Director of Eurofound and remain with the Management Board; decisions on the extension and termination of contract, appraisal and reclassification of the Accounting Officer are subject to approval by the Management Board.

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<sup>1</sup> 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).

<sup>2</sup> OJ L 30, 31.1.2019, p. 74.

<sup>3</sup> Consolidated version of the Financial Regulation and its Rules of Application, adopted by the Governing Board in September 2016.

- 4) The sub-delegation of appointing authority powers by the Executive Director of Eurofound to the services of the Commission is subject to approval by the Management Board. This could refer to certain appointing authority powers of a technical nature, such as those to be sub-delegated to the Commission's Paymaster Office or to DG Human Resources and Security, notably when those services are not available within the Agency.
- 5) The power to adopt implementing rules to give effect to the Staff Regulations and the CEOS is not delegated to the Executive Director of Eurofound and is exercised by the Management Board.
- 6) The Management Board of Eurofound exercises the appointing authority powers concerning Article 90(2) of the Staff Regulations when the contested decision was taken by the Executive Director of Eurofound.
- 7) Individual staff matters, including complaints lodged under Article 90(2) of the Staff Regulations, should be treated with urgency and with the utmost confidentiality.
- 8) For reasons of expediency and flexibility, it is appropriate to establish within the Management Board a smaller subgroup which will exercise the relevant appointing authority powers on its behalf<sup>4</sup>.
- 9) This subgroup will consist of four representatives from the Management Board or the Executive Board, three nominated by each of the Groups and one by the Commission and will be chaired by the latter.
- 10) The Coordinators of the Groups were invited to nominate members and alternates to the subgroup of the Management Board which will deal with staff matters,

HAS DECIDED AS FOLLOWS:

*Article 1 – Establishment*

A Management Board Committee on Staff Matters (hereinafter referred to as 'Committee on Staff Matters') is hereby established to deal with issues arising in respect of Eurofound staff on behalf of the Management Board of Eurofound as laid down by Article 5.

*Article 2 – Composition*

1. The Committee on Staff Matters shall be composed of four representatives from the Management Board or Executive Board of Eurofound as follows:

- (a) one member representing the government;
- (b) one member representing the employers' organisations;
- (c) one member representing the employees' organisations;
- (d) one member representing the Commission.

2. Each member of the Committee on Staff Matters shall have an alternate. The alternate shall represent the member in the member's absence.

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<sup>4</sup>. An explanatory note on the future role of the Committee on Staff Matters which reflects the relevant discussions that took place during the Bureau meeting of 18 January 2019 was sent to the Management Board members on 24 January 2019 in view of the entry into force of the Agency Regulation.

3. The Committee on Staff Matters shall be chaired by the representative of the Commission.

#### *Article 3 – Membership*

The following persons are appointed members and alternates of the Committee on Staff Matters:

1. Mr Nelson Ferreira, member of the Management Board, Government Group

Alternate: Mr Dirk Scheele, alternate member of the Management Board, Government Group

2. Ms Stefania Rossi, Deputy Chairperson of the Management Board – Employers' Group

Alternate: Ms Rebekah Smith, Coordinator – Employers' Group

3. Mr Jan Kouwenberg, member of the Management Board, Employee's Group

Alternate: Mr Stefan Gran, Deputy Chairperson of the Management Board, Employee's Group

4. Ms Barbara Kauffman, Deputy Chairperson of the Management Board – European Commission

Alternate: Mr Jörg Tagger, alternate member of the Management Board – European Commission

#### *Article 4 – Term of Office*

1. The term of office of members and alternates shall be four years.

2. The term shall be renewable.

3. The term of office of a member of the Committee on Staff Matters shall end on the date on which his or her membership of the Management Board or Executive Board ends or on the date on which the Management Board decides on his/her replacement, whichever is earlier.

#### *Article 5 – Functions*

The Committee on Staff Matters shall exercise the following functions on behalf of the Management Board:

(a) Adopt decisions on the appointment and removal from office of the Accounting Officer and approve decisions on the extension, termination of contract, appraisal and reclassification of the Accounting Officer;

(b) Adopt the decisions of the Appointing Authority or Authority Empowered to Conclude Contracts of Employment in response to complaints submitted under Article 90(2) of the Staff Regulations when the contested decision was taken by the Executive Director;

(c) Adopt implementing rules to give effect to the Staff Regulations and the CEOS;

(d) Approve decisions on the sub-delegation of appointing authority powers by the Executive Director of Eurofound to the services of the Commission;

- (e) Any other staff-related matter of a similar nature without prejudice to any relevant rules set out in the Agency Regulation or equivalent rules.

*Article 6 – Support by Eurofound*

At the request of the Committee, Eurofound shall provide support to its members by making available expertise and by providing secretarial assistance and training as appropriate.

*Article 7 – Rules of Procedure*

The Management Board shall adopt the rules of procedure of the Committee on Staff Matters.

*Article 8 – Entry into force*

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

Done by written procedure on 3 May 2019

For the Management Board  
The Chairperson

[Aviana Bulgarelli]