



EUROPEAN COMMISSION

Brussels, 15.6.2010
C(2010)3680 final

COMMISSION DECISION

of 15.6.2010

on the exercise of powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude Contracts of Employment

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THE EUROPEAN COMMISSION,

Having regard to Article 2(1) of the Staff Regulations of Officials of the European Union,

Having regard to Article 6 of the Conditions of Employment of Other Servants,

Whereas:

- (1) On 30 November 2007¹ the Commission adopted a decision on the exercise of powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Responsible for Concluding Contracts of Employment.
- (2) Certain adaptations should be made to the Decision of 30 November 2007, notably in the areas of filling vacant posts, career, rights and obligations as well as of specific rules for Commission staff serving outside the European Union .
- (3) The Decision of 30 November 2007 has been amended in 2008², 2009³ and 2010⁴. In the interest of clarity it should be recast and repealed,

HAS DECIDED AS FOLLOWS:

Article 1

Staff paid from the administrative appropriations and from the research appropriations, with the exception of staff serving in the Joint Research Centre.

The powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude Contracts of Employment in respect of staff paid from the administrative appropriations and staff paid from the research and technological development budget other than those serving in the Joint Research Centre, shall be exercised as appropriate and save as provided for hereinafter by the Commission, the Member of the Commission responsible for human resources, the Member of the Commission responsible for the Unified External Service, the

¹ See Commission Administrative Notice No 57-2007 of 6 December 2007.

² See Commission Decisions C(2008)384 of 30 January 2008 and C(2008)5085 of 10 September 2008.

³ See Commission Decision C(2009)3074 of 29 April 2009.

⁴ See Commission Decision C(2010)184 of 19 January 2010.

Director-General for Human Resources and Security, other Directors-General including Heads of Department and the Directors of the Office for Administration and Payment of Individual Entitlements (hereinafter: PMO) and the Offices for Infrastructure and Logistics in Brussels and Luxembourg in accordance with Annex I.

The above powers relating to the management of individual financial entitlements as listed in Annex I shall be exercised by the Director of PMO in accordance with that Annex. Some of those powers relating to the organisation of competitions shall be exercised by the Director of the European Personnel Selection Office (hereinafter: EPSO) in accordance with Annex I.

Article 2

Staff paid from the research and development appropriations serving in the Joint Research Centre

The powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude Contracts of Employment in respect of staff paid from the research and technological development budget serving in the Joint Research Centre, shall be exercised by the Commission, the Member of the Commission responsible for human resources, in agreement as appropriate with the Member of the Commission responsible for research, innovation and science, the Director-General for Human Resources and Security or the Director-General of the Joint Research Centre in accordance with Annex II.

The above powers relating to the management of individual financial entitlements as listed in Annex II shall be exercised by the Director of PMO in accordance with that Annex. Some of those powers relating to the organisation of competitions shall be exercised by the Director of EPSO in accordance with Annex II.

Article 3

Staff of OLAF

The powers conferred on the Appointing Authority and on the Authority Empowered to Conclude Contracts of Employment in respect of the staff of OLAF other than the Director-General shall be exercised in accordance with Annex III.

The powers of the Appointing Authority in respect of the Director-General of OLAF shall be exercised by the Commission in accordance with its Decision on OLAF of 28 April 1999; it sub-delegates some of those powers in accordance with Annex III.

The above powers relating to the management of individual financial entitlements as listed in Annex III shall be exercised by the Director of PMO in accordance with that Annex. Some of those powers relating to the organisation of competitions shall be exercised by the Director of EPSO in accordance with Annex III.

Article 4

Commission staff seconded to the cabinet of a Member of the Commission

The powers conferred on the Appointing Authority and on the Authority Empowered to Conclude Contracts of Employment in respect of Commission officials seconded to the

Cabinet of a Member of the Commission in accordance with the second indent of point (a) of the first paragraph of Article 37 of the Staff Regulations, and of other servants engaged under Article 2(c) of the Conditions of Employment of Other Servants shall be exercised by the Commission, the Member of the Commission responsible for human resources, the Director-General for Human Resources and Security, the Director-General of the Directorate-General of origin (“Director-General concerned”) or, where this is explicitly provided for, by the Member of the Commission responsible for the Cabinet or by the Head of Cabinet. These powers shall be exercised in accordance with Annex I and the tables attached to that Annex. For the exercise of such powers in respect of the Head of Cabinet and the Deputy Head of Cabinet, the latter shall be treated respectively as a Director and a Head of Unit.

The above powers relating to the management of individual financial entitlements as listed in Annex I shall be exercised by the Director of PMO in accordance with that Annex. Some of those powers relating to the organisation of competitions shall be exercised by the Director of EPSO in accordance with Annex I.

Article 5 *Common provisions*

The powers conferred on the Appointing Authority by Articles 25 and 90(1)⁵ of the Staff Regulations shall be exercised by the authority identified as Appointing Authority under this Decision, depending on the subject of the request.

Where a provision in the Staff Regulations applicable by analogy or reference to other servants confers powers on the Appointing Authority, the latter shall exercise them as the Authority Empowered to Conclude Contracts of Employment in the case of staff covered by the Conditions of Employment of Other Servants.

The powers conferred by the Staff Regulations and the Conditions of Employment of Other Servants which are not covered in the Annexes shall be exercised:

- within the scope of the first paragraph of Article 3 by the Director-General of OLAF;
- within the scope of the second paragraph of Article 3 by the Commission;
- in all other cases by the Director-General for Human Resources and Security.

Article 6 *Delegation of powers*

Directors-General including Heads of Department and the Directors of PMO and the Offices for Infrastructure and Logistics in Brussels and Luxembourg are hereby authorised to delegate their powers to deputy directors-general, directors, heads of unit, heads of sector and holders of equivalent posts.

Furthermore, the Director of PMO is hereby authorised to delegate his or her powers in the fields of determining, calculating and paying financial entitlements to officials working under a head of unit and responsible for specific areas.

⁵ Requests under Article 90(1) should be addressed to the Director-General for Human Resources and Security (see Administrative Notices No 110-2004 and No 28-2006).

Moreover, heads of unit in the Directorate-General Human Resources and Security may, in agreement with their Director-General, sub-delegate powers delegated to them by the latter in the fields of recruitment and establishment of officials, engagement of temporary agents and contract agents, conclusion of supplementary contracts in respect of temporary agents and contract agents, resignations at request and transfers between the Directorates-General to officials in their respective units.

Officials to whom powers are delegated or sub-delegated under the second or third paragraph may be designated by the job they hold or *ad personam*.

Delegations and sub-delegations shall be published in suitable form and brought to the attention of the staff.

Article 7
Rules on deputising

Where they are unable to act, the powers conferred by Articles 1, 2, 3, 4 and 5 on the Directors-General and Heads of Department concerned, including the Directors of PMO and the Offices for Infrastructure and Logistics in Brussels and Luxembourg, shall be exercised in accordance with the rules on deputising contained in the Commission's Rules of Procedure.

Where they are unable to act, the persons to whom powers are delegated under the first paragraph of Article 6 shall be replaced in accordance with the rules on deputising contained in the Commission's Rules of Procedure.

Article 8
Annexes to the Decision

Annexes I, II and III hereto shall form an integral part of this Decision.

Article 9
Final provisions

This Decision repeals the Commission Decision C(2007)5730 of 30 November 2007. References to the repealed Decision shall be construed as references to this Decision.

This decision shall take effect on the date of its adoption.

Done at Brussels, 15.6.2010

For the Commission
Maroš ŠEFČOVIČ
Vice-President of the Commission