



DECISION OF THE MANAGEMENT BOARD

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 the European Centre for the Development of Vocational Training (Cedefop)

THE MANAGEMENT BOARD OF CEDEFOP,

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 to Articles 2(1), 110(2) of the Staff Regulations and Article 6 of the CEOS;

Having regard to Regulation (EU) No 2019/128 ⁽²⁾ of the European Parliament and of the Council establishing a European Centre for the Development of Vocational Training (Cedefop) and repealing Council Regulation (EEC) No 337/75, hereinafter referred to as 'Agency Regulation';

Having regard to the Commission Decision of 19 February 2019 on giving its agreement pursuant to Article 110(2) of the Staff Regulations ⁽³⁾;

After consulting the Staff Committee;

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 are conferred on the Management Board of the Agency.
- (2) Pursuant to Article 5(2) of the Agency Regulation, the Management Board adopts, in accordance with Article 110(2) of the Staff Regulations, a decision delegating the relevant powers of the appointing authority and the authority empowered to conclude contracts of employment to the Executive Director of the Agency and laying down the conditions under which that delegation of powers can be suspended. The Executive Director should be authorised to

⁽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).

⁽²⁾ OJ L 30, 31.1.2019, p.90.

⁽³⁾ C(2019)1476 final of 19.02.2019



sub-delegate those powers and should inform the Management Board of such sub-delegations.

- (3) Pursuant to the second subparagraph of Article 5(2) of the Agency Regulation, where exceptional circumstances so require, the Management Board may temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the Executive Director. In such cases, the Management Board shall delegate those powers, for a limited period, to one of the representatives of the Commission whom it nominates or to a staff member other than the Executive Director.
- (4) Pursuant to the sixth subparagraph of Article 110(2) of the Staff Regulations, the Management Board adopts the implementing rules to the Staff Regulations and the CEOS.
- (5) Decisions on the daily management of the Agency, and in particular decisions in individual staff matters should be taken at the most appropriate level.
- (6) The Executive Director manages the Agency and should be, in particular, responsible for the day-to-day administration of the Agency.
- (7) On the basis of Service Level Agreements, certain appointing authority powers of a technical nature could be sub-delegated by the Executive Director to Commission services, in particular the Commission Paymaster's Office or DG Human Resources and Security, notably when those services are not available within the Agency.
- (8) It is therefore necessary to adopt a decision delegating the relevant competences in the area of staff management to the Executive Director,

HAS DECIDED AS FOLLOWS:

Article 1

This Decision concerns the exercise of the powers of the appointing authority and the authority empowered to conclude contracts of employment in respect of the staff of the Agency, except:

- a) the Executive Director
- b) the Accounting Officer as regards the appointment and removal from office.

Article 2

1. The powers conferred by the Staff Regulations on the appointing authority and by the CEOS on the authority empowered to conclude contracts of employment shall be delegated to the Executive Director of the Agency, except the adoption of the implementing rules to give effect to the Staff Regulations and the CEOS.
2. The powers referred to in paragraph 1 are conferred on the Executive Director without prejudice to other competences of the Management Board as provided for in the Agency Regulation.
3. Decisions on extension of contract, appraisal and reclassification of the Accounting Officer shall be subject to the approval by the Management Board.

4. The powers referred to in paragraph 1 concerning Article 90(2) of the Staff Regulations are exercised by the Cedefop Appeals Committee ⁽⁴⁾.

Article 3

1. The Executive Director may sub-delegate, by way of a formal decision, the powers referred to in Article 1 to an official or a member of temporary staff by reference to appropriate criteria, such as their function group, position and job assignment, which they hold in the Agency. In such case, the Executive Director may not exercise him- or herself the power, unless he or she has taken back the sub-delegation by way of a formal decision.
2. The Executive Director shall inform the Management Board of such sub-delegations, and any change thereof, including the criteria on which basis the sub-delegations are made.
3. Agency staff to whom powers are sub-delegated under paragraph 1 may be designated by their position in the Agency.
4. Sub-delegations shall be brought to the attention of the staff in a suitable form.
5. Where a person to whom powers have been conferred pursuant to Article 2 or paragraph 1 of this Article is unable to act, those powers shall be exercised in accordance with the rules on deputising set out in the Agency's internal rules.
6. The Executive Director, may, after the approval by the Management Board and on the basis of a Service Level Agreement, sub-delegate the relevant powers referred to in Article 1 to the services of the Commission. The sub-delegation shall be carried out in writing and brought to the attention of the staff.

Article 4

1. Where exceptional circumstances so require, the Management Board may, by way of a decision, suspend temporarily the delegation of appointing authority powers to the Executive Director and those sub-delegated by the latter and delegate them, for a limited period, to one of the representatives of the Commission whom it nominates or to a staff member other than the Executive Director. The delegate shall report to the Management Board on the exercise of such a delegation.
2. The powers referred to in paragraph 1 may then be sub-delegated as necessary, in which case Article 3 shall apply *mutatis mutandis*.
3. The suspension shall be decided in accordance with the following provisions:
 - (a) before adopting a decision on suspension the Management Board shall carefully consider any possible impacts on the functioning of the Agency. The suspension shall be limited to the duration and extent necessary to achieve its objective;
 - (b) the decision on suspension shall be taken according to the voting rules of the Management Board provided for in the Agency Regulation;

⁽⁴⁾ Established by the decision of the Management Board of 4 February 2000.

- (c) the decision on suspension shall be communicated to the Executive Director in writing and shall clearly define the powers being suspended, the exact duration of the suspension and any conditions thereto;
- (d) the decision on suspension shall automatically suspend any related sub-delegation, unless explicitly stated otherwise in the decision;
- (e) the decision on suspension shall specify who shall exercise the relevant powers during the period of suspension;
- (f) the decision on suspension shall be brought to the attention of staff in a suitable form.

Article 5

This Decision shall take effect on the day following that of its adoption. It shall be brought to the attention of the staff in a suitable form.

Done on 26 February 2019

For the Cedefop Management Board



Tatjana Babrauskienė
Chairperson of the Management Board