

**2019-053 REV 1**

Decision No 2019-053 REV 1 of 17.04.2019 of the Management Board of the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (hereinafter 'eu-LISA')

**Subject: Decision of the Management Board of eu-LISA on the procedure for the appointment of the Deputy Executive Director of eu-LISA**

### **THE MANAGEMENT BOARD OF EU-LISA,**

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials of the European Union ('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 Annex III to the Staff Regulations and Article 2(a) and Article 12 of the CEOS;

Having regard to Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) and amending Regulation (EC) 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) 1077/2011<sup>2</sup>, (hereinafter referred to as 'Agency Regulation'), and in particular Article 26 (2) thereof,

Whereas:

- 1) A procedure for the selection of the Deputy Executive Director shall be agreed and adopted for the smooth, transparent and efficient recruitment process.
- 2) Pursuant to Article 26(2) of the eu-LISA Regulation, the Deputy Executive Director (DED) is appointed by the Management Board (MB) on the proposal of the Executive Director (ED).

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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 295, 21.11.2018, p. 99.

- 3) The eu-LISA Regulation is not sufficiently detailed as regards the selection procedure to be followed prior to the appointment by the Management Board. Moreover, eu-LISA internal rules foresee only a procedure for Temporary Agents under article 2 (f) of the CEOS, which excludes Senior Management (e.g. Executive Director and Deputy Executive Director), whose engagement is governed by Article 2(a) of the CEOS.
- 4) Pursuant to Article 29 (2) of the Staff Regulations, a procedure other than the competition procedure (Annex III to the Staff Regulations) may be adopted by the Appointing Authority. There is thus a margin of discretion from the Management Board in establishing such procedure.
- 5) However, in order to avoid exposing this decision to future challenges, it would be in the best interest of the Agency to follow as closely as possible the procedure established by the Staff Regulations, in particular Annex III thereto, except in provisions that cannot be applied. This is the case, for instance, with the involvement of the Staff Committee in the Selection Committee.

HAS DECIDED AS FOLLOWS:

*Article 1*

To approve the selection procedure for the recruitment and appointment of the Deputy Executive Director of eu-LISA as outlined in the Annex 1 and the text of Vacancy Notice for the post of the Deputy Executive Director of eu-LISA.

*Article 2*

This Decision shall enter into force on the date following that of its signature.

Done in Tallinn, on 17.04.2019

For the Management Board of eu-LISA

Zsolt Szolnoki  
Chairperson