

Note to the Management Board

Subject: Adoption of the Implementing Rule on Administrative Inquiries and information on Commission Decision C(2021) 8179 of 16 November 2021

The adoption of the Implementing Rule to the Staff Regulation by the decision of the management Board

Pursuant to Article 110(2) of the Staff Regulations, the Agency may “(...) after consulting its Staff Committee, submit to the Commission for its agreement implementing rules which concern subjects other than the implementing rules adopted by the Commission. For the purposes of the adoption of implementing rules, the agencies shall be represented by the management board or the equivalent body referred to in the Union act establishing them”.

On 13 February 2020, the Management Board empowered¹ the Executive Director of eu-LISA to request the European Commission’s agreement to derogate from the Commission Decision C(2019) 4231 of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings.

On 27 January 2022, the Commission communicated to eu-LISA its ex ante I agreement² to proceed with the adoption of the model decision on the subject. A document 2022-081 annexed to this Note includes text of the eu-LISA decision on laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings.

The Staff Committee of eu-LISA was consulted on the text of these rules and provided its opinion on 28 February 2022.

Information on Commission Decision C(2021) 8179 of 16 November 2021

The above-mentioned Commission Decision of 16 November 2021 laying down general implementing provisions regarding the payment of the education allowance provided for in Article 15 of Annex X to the Staff Regulations to staff members for the duration of temporary assignments to the seat of the institution or any other place of employment in the Union was communicated to eu-LISA on 9 February, 2022.

After 9 months from the date of the communication, it shall enter into force at the EU agencies unless they decide to apply it earlier or decide to derogate from it.

¹ Decision 2020-195 of the Management Board of eu-LISA concluded at a meeting on 30.06.2020, in particular the agenda point A.26.

² C(2022) 497 final.

This decision is not relevant to eu-LISA at present. However, it has been recommended by the European Commission to let this decision enter into force automatically after 9 months from being communicated to the EU agencies, in particular in a situation when in future it might become useful.

Therefore, the Agency would like to inform the Management Board on this development, as it will result in the application of this decision without the real effect, while it may become useful in case the Agency establishes an office in any third country in future.

Mr Zsolt Szolnoki
Chairperson of the Management Board