Subject: Derogation request from the application of Commission Decision C(2022) 1788 of 24 March 2022 on working time and hybrid working

Background

Pursuant to Article 110(2) of the Staff Regulations, the European Commission informed eu-LISA about the adoption of the Commission Decision C(2022) 1788 of 24 March 2022 on working time and hybrid working (hereinafter referred to as the “Commission Decision”).

This decision should apply by analogy to EU agencies either nine (9) months after its entry into force (i.e. on 1 January 2023), or by a decision of the Management Board at an earlier date. Alternatively, the Agency may request a derogation (‘opt-out’) from the application of this decision or may submit to the Commission for its agreement implementing rules which are different from those adopted by the Commission (‘amended rules’). Such request should be submitted to the Commission within the above-mentioned nine-month period.

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. Under the same conditions, an agency may request the agreement of the Commission to the non-application of certain of those implementing rules.”

The Staff Committee of eu-LISA was consulted on the text of the Commission Decision and provided its opinion on 30 March 2022.

The Agency adopted on 15 November 2017 the eu-LISA specific rules on telework which are more suitable to eu-LISA than the telework rules specified in the Commission Decision. Likewise, in response to the COVID-19 crisis, the Agency adopted on 13 March 2020 specific teleworking measures. Therefore, it would not be in the interest of the Agency and its staff to let the less suitable rules enter automatically into force and replace existing rules.

To better adapt its working regime to its needs, the Agency suggests to adopt the Common Model Decision on teleworking (the ‘Model Decision’) under preparation by the Standing Working Party of the Commission in


2 Decision No 2017-168 of 15.11.2017 of the Management Board of eu-LISA on the implementation of telework in the Agency.


consultation with the EU Agencies Network (EUAN) or, if the latter is not suitable to eu-LISA, to develop new rules on working time and hybrid working.

In consequence, in awaiting the aforesaid Model Decision, the Agency is requesting the Management Board to approve sending a request to the European Commission to opt-out from the Commission Decision.

Proposed decision

As the Human Resources Unit of eu-LISA, acting on the ED instructions, has consulted the Staff Committee and considering the above, the Management Board is hereby asked to adopt the following decision:

To empower the Executive Director of the Agency to request the European Commission to opt-out from Commission Decision C(2022) 1788 of 24 March 2022 on working time and hybrid working.

ANNEX I: Explanatory Note of 6 June 2022 on the review of Commission Decision C(2022) 1788 of 24 March 2022 on working time and hybrid working