

Note to the Management Board

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 Regulations¹, 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 telework² and on 11 June 2018 the Guidelines on teleworking³ 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 measures⁴. 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

¹ Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1), as 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 Decision No 2017-168 of 15.11.2017 of the Management Board of eu-LISA on the implementation of telework in the Agency.

³ Decision of the Executive Director of eu-LISA of 11 June 2018 on Guidelines on Teleworking (Ref. Ares(2018)3056265 – 11/06/2018).

⁴ Decision of the Executive Director of eu-LISA of 13 March 2020 on special teleworking in light of COVID-19 outbreak (Ref. Ares(2020)1560731-13/03/2020).

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