

DECISION No GB/2022/1

of

**The Governing Board of European Cybersecurity Industrial, Technology and Research
Competence Centre**

on the delegation to the Executive Director and the Interim Executive Director of the European Cybersecurity Industrial, Technology and Research Competence Centre of the powers conferred by the Staff Regulations on the appointing authority and by the Conditions of Employment of Other Servants on the authority authorised to conclude contracts of employment

THE GOVERNING BOARD,

Having regard to the Staff Regulations of Officials (‘Staff Regulations’) and the Conditions of Employment of Other Servants (‘CEOS’) of the European Union laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Articles 2(1), 110(2) of the Staff Regulations and Article 6 of the CEOS,

Having regard to Regulation (EU) 2021/887 of the European Parliament and of the Council of 20 May 2021 establishing the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres², and in particular Article 30(2), (3), (4), (5) and Article 46(2) and (3) thereto,

Having regard to the Commission Decision giving its agreement pursuant to Article 110(2) of the Staff Regulations³,

Having regard to the fact that the Staff Committee, which is to be consulted pursuant to Article 110(2) of the Staff Regulations, has not yet been constituted, it is impossible at the present to comply with the requirements of that provision. The Staff Committee will be invited to give its opinion on these implementing rules when it has been constituted and due consideration will be given to its opinion. The Governing Board is entitled in such circumstances to approve the rules forthwith,

WHEREAS:

(1) Pursuant to Article 30(2) of Regulation (EU) 2021/887, the Governing Board is to exercise, with respect to the staff of the European Cybersecurity Industrial, Technology and Research Competence Centre (‘ECCC’), the powers conferred by the Staff Regulations on the Appointing

¹ OJ L 56, 4.3.1968, p. 1

² OJ L 202, 8.6.2021, p. 1–31.

³ Commission Decision of 11.1.2022 [C(2022) 42 final].

Authority and the powers conferred by the Conditions of Employment on the authority empowered to conclude contract (the ‘appointing authority powers’).

(2) According to Article 30 (3) of Regulation (EU) 2021/887, the Governing Board is to adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the CEOS delegating the relevant appointing authority powers to the Executive Director and defining the conditions under which that delegation may be suspended. The Executive Director is authorised to sub-delegate those powers.

(3) Pursuant to Article 30(4) of Regulation (EU) 2021/887, where exceptional circumstances so require, the Governing Board may, through a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and any sub-delegation made by the latter. In such a case the Governing Board shall exercise itself the appointing authority powers or delegate them to one of its members or to a member of staff of the ECCC other than the Executive Director.

(4) Pursuant to Article 30(5) of Regulation (EU) 2021/887, the Governing Board shall adopt implementing rules as regards the Staff Regulations and the Conditions of Employment in accordance with Article 110 of the Staff Regulations.

(5) Decisions on the daily management of the ECCC, and in particular decisions in individual staff matters need to be taken at the most appropriate level.

(6) Pursuant to Article 17(1) of Regulation (EU) 2021/887, the Executive Director is to manage the ECCC and is in particular responsible for the day-to-day administration of the ECCC.

(7) On the basis of Service Level Agreements, it should be possible to sub-delegate certain appointing authority powers of a technical nature by the Executive Director and the interim Executive Director to the services of the European Commission services, in particular to the Paymaster’s Office or the Directorate-General for Human Resources and Security, notably when those services are not available within the ECCC.

(8) It is therefore necessary to adopt a decision delegating the relevant competences in the area of staff management to the Executive Director.

(9) Pursuant to Article 46(2) of Regulation (EU) 2021/887, the Commission is to designate an interim Executive Director until the Executive Director takes up his or her duties following his or her appointment by the Governing Board in accordance with Article 16. The interim Executive Director is to exercise the duties of the Executive Director.

(10) Pursuant to Article 46(3) of Regulation (EU) 2021/887, the interim Executive Director may conclude agreements and contracts, including staff contracts, and adopt decisions, following the adoption of the establishment plan referred to in point (1) of Article 13(3) of Regulation (EU) 2021/887.

(11) It is necessary to delegate the competences in the area of staff management not covered by article 46(3) of Regulation (EU) 2021/887, to the interim Executive Director.

(12) The ECCC has been unable to establish a Staff Committee because, having been created recently, it has no staff yet. However, it needs to adopt rules on the delegation of the powers conferred by the Staff Regulations on the appointing authority and by the Conditions of Employment of Other Servants on the authority authorised to conclude contracts of employment, in order to start functioning.

HAS DECIDED AS FOLLOWS:

Article 1

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

1. The Executive Director
2. The appointment of the Accounting Officer.

Article 2

1. Within the limits of Article 1, the powers conferred by the Staff Regulations on the appointing authority and by the CEOS on the authority authorised to conclude contracts of employment shall be delegated to the Executive Director and the interim Executive Director of the ECCC, except for the adoption of implementing rules to give effect to the Staff Regulations and the CEOS.

2. The powers referred to in paragraph 1 shall be conferred on the Executive Director and the interim Executive Director of the ECCC without prejudice to other competences of the Governing Board as provided for in the founding Regulation. The interim Executive Director may exercise these powers within the limits required by the establishment and the initial operation of the ECCC without impairing the powers conferred to the function of the Executive Director in the operation and the day-to-day management of the ECCC.

3. Decisions related to the extension of contract, termination of contract, appraisal and reclassification of the Accounting Officer shall be subject to approval of the Governing Board.

4. The powers referred to in paragraph 1 concerning Article 90(2) of the Staff Regulations shall be exercised by the Governing Board when the contested decision was taken at the level of the Executive Director and the interim Executive Director.

Article 3

1. The Executive Director and the interim Executive Director may sub-delegate, by way of a formal decision, the powers referred to in Article 1 to a member of temporary staff by reference to appropriate criteria, such as their function group, position, and job assignment, which they hold in the ECCC. In such case, the Executive Director and the interim 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. Agents to whom powers are sub-delegated under paragraph 1 may be designated by their position in the ECCC or *ad personam*.

3. The Executive Director and the interim Executive Director may, after approval of the Governing Board, sub-delegate relevant powers referred to in Article 1 to the services of the Commission.

4. The Executive Director and the interim Executive Director shall inform the Governing Board of such sub-delegations. Sub-delegations shall be carried out in writing and brought to the attention of the staff in a suitable form.

Article 4

1. Where a person to whom powers have been conferred pursuant to Article 2 or Article 3(1) is unable to act, those powers shall be exercised by the temporary agent in the highest function group with the highest grade or, in the event of equal grade, the temporary agent with the greatest seniority in the grade or, in the event of equal seniority, the one who is eldest shall deputise.

2. A person exercising the deputising role may exercise these powers within the limits required by ensuring business continuity, without impairing the powers conferred to the function of the Executive Director in the operation and the day-to-day management of the ECCC.

Article 5

1. Where exceptional circumstances so require, the Governing Board of the ECCC may, by way of a decision, decide to temporarily suspend the delegation of appointing authority powers to the Director or the interim Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director or the interim Executive Director. The delegate shall report to the Governing Board on the exercise of such 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 Governing Board shall carefully consider any possible impacts on the functioning of the ECCC. 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 Governing Board provided for in the founding Regulation;
- c. the decision on suspension shall be communicated to the Executive Director or the interim 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 6

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 at Brussels, on 3 February 2022

For the Governing Board of the European
Cybersecurity Industrial, Technology and
Research Competence Centre