

DECISION No GB/2022/2

of

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

**on the non-application of the Commission Decision on the maximum duration for the
recourse to non-permanent staff in the Commission services**

THE GOVERNING BOARD,

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 259/68¹,

Having regard to European Parliament and Council Regulation (EU) No 2021/887 of 20 May 2021 establishing the European Cybersecurity Industrial, Technology and Research Competence Centre ('ECCC'),

Having regard to Communication C(2014)6543 final of 26 September 2014 from Vice-President Šefčovič to the Commission on the guidelines on the implementation of Article 110(2) of the Staff Regulations with regard to the implementing rules applicable in the agencies, and in particular Point 2.B thereof,

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations C(2016) 2421 of 26 May 2016,

WHEREAS:

1) On 12 October 2021, the Commission informed the ECCC that it adopted Decision C(2013)9028 of 16 December 2013 amending the Commission Decision of 28 April 2004² on the maximum duration for the recourse to non-permanent staff in the Commission services, hereinafter 'Commission Decision C(2013)9028'.

2) Pursuant to Article 110(2) of the Staff Regulations, implementing rules such as those referred to in Recital 1 shall apply by analogy to the ECCC. By way of derogation, an agency may request the Commission's agreement to the non-application of certain implementing rules.

3) In the ECCC, all temporary staff other than those referred to in Article 2(a) of the CEOS are those referred to in Article 2(f) of the CEOS and all contract staff are the ones referred to in Article 3(a) of the CEOS.

¹ 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.

² Commission Decision C(2004)1597/6 of 28 April 2004 on the maximum duration for the recourse to non-permanent staff in the Commission services, as amended by Commission Decision C(2011)7071 of 5 October 2011.

- 4) In the ECCC, temporary agents referred to in Article 2(a) of the CEOS are exclusively the head of the Agency (whose contract duration is governed by act establishing the Agency) and officials seconded in the interests of the service to the Agency (who are not covered by Commission Decision C(2013)9028). As regards the majority of temporary staff in the Agency, namely those referred to in Article 2(f) of the CEOS, they do not fall under the scope of Commission Decision C(2013)9028. The same applies to the unique category of contract staff employed in the Agency, namely those referred to in Article 3(a) of the CEOS. Commission Decision C(2013)9028 is therefore not adapted to the ECCC's reality.
- 5) Taking into account the way the ECCC operates, it is not appropriate to set a maximum duration of recourse to non-permanent staff, because such a rule could be detrimental to the functioning of the Agency.
- 6) The Commission has given its ex ante agreement to the non-application of Decision C(2013)9028 to the ECCC.
- 7) Commission Decision C(2013)9028 should not therefore apply to the ECCC,

HAS DECIDED AS FOLLOWS:

Article 1

Commission Decision C(2013)9028 of 16 December 2013 amending Commission Decision of 28 April 2004³ on the maximum duration for the recourse to non-permanent staff in the Commission services shall not apply to the ECCC.

Article 2

This Decision shall take effect on the day following that of its adoption.

Done at Brussels, on 16 February 2022

For the European Cybersecurity Industrial,
Technology and Research Competence Centre

³ See footnote 2.