

**DECISION OF THE ADMINISTRATIVE BOARD to give a mandate to the Executive Director to request the Commission's agreement to the non-application of general implementing rules of the Staff Regulations.**

THE ADMINISTRATIVE BOARD OF THE EUROPEAN MARITIME SAFETY AGENCY,

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 259/68<sup>1</sup> and in particular Article 110(2) of the Staff Regulations,

Having regard to Council Regulation (EC) N° 1406/2002 of 27 June 2002, as amended, establishing the European Maritime Safety Agency and in particular Article 6 thereof;

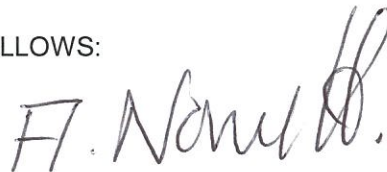
Having regard to the Communication C(2014) 6543 final of 26 September 2014 from Vice-President Šefčovič to the Commission on the guidelines on the implementation of Article 110(2) of the Staff Regulations with regard to the implementing rules applicable in the agencies, and in particular Point 2.B thereof,

WHEREAS:

- (1) An Agency may request the agreement of the Commission to the non-application of certain of those implementing rules. after consultation of the Staff Committee, pursuant to Article 110(2) of the Staff Regulations;
- (2) in such as case, the Administrative Board needs to give a mandate to the Executive Director to request the Commission's agreement to the non-application of the implementing rules concerned.
- (3) On 17 June 2019, the European Commission informed Agencies and Joint Undertakings of the adoption of Commission Decision C(2019) 4231 final laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings.
- (4) A specific model decision on the conduct of administrative inquiries and disciplinary proceedings will be drafted for agencies with a view to authorise derogations from the application by analogy of the aforementioned Commission's rule.
- (5) Pending the Commission's agreement on the model decision referred to in recital 4, it is necessary to request for the Commission's agreement for derogation from the application by analogy of the Commission's rules under recital 3.

After consulting the Staff Committee;

HAS DECIDED AS FOLLOWS:

A handwritten signature in dark ink, appearing to read 'F. Nanni', is written over the text 'HAS DECIDED AS FOLLOWS:'. The signature is fluid and cursive.

<sup>1</sup> 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.

Article 1

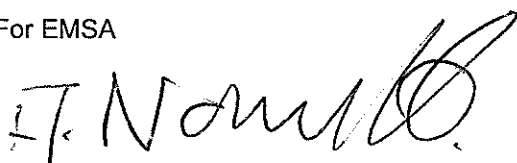
The Administrative Board hereby gives a mandate to the Executive Director to request the Commission's agreement to the non-application of general implementing rules of the Staff Regulations, as adopted by the Commission and referred to in Annex.

Article 2

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

Done at Lisbon on 8 November 2019,

For EMSA

A handwritten signature in black ink, appearing to read 'A. Nordseth', with a large, stylized flourish at the end.

Andreas Nordseth

Chairman of the Administrative Board

**Annex**

Commission Decision C(2019) 4231 of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings.

A handwritten signature in black ink, appearing to read "F. Navarro". The signature is written in a cursive style with a large, sweeping flourish at the end.

