



**GOVERNING BOARD OF THE GLOBAL HEALTH EDCTP3 JOINT UNDERTAKING
DECISION N° GB/33/2023**

on the delegation to the Executive Director of Global Health EDCTP3 Joint Undertaking of the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants of the European Union on the Authority Authorised to Conclude Contracts of Employment

THE GOVERNING BOARD OF THE GLOBAL HEALTH EDCTP3 JOINT UNDERTAKING

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 Council Regulation (EU) 2021/2085 of 19 November 2021 establishing the Joint Undertakings under Horizon Europe ((hereinafter referred to as 'the founding Regulation'), and in particular Articles 17 (2)(h), (v), 17(4) and 37 thereof,

Having regard to the Rules of Procedures of the Governing Board of the Global Health EDCTP3 Joint Undertaking (the "JU")²,

Having regard to the guidelines on the implementation of Article 110(2) of the Staff Regulations with regard to the implementing rules applicable in the agencies, enclosed to Communication C(2014) 6543 from Vice-President Šefčovič to the Commission and approved by the latter on 26 September 2014, and in particular Point 3.4 thereof,

Having regard to the agreement of the European Commission pursuant to Article 110 (2) of the Staff Regulations, Commission Decision C(2023) 7993 of 17 November 2023,

Having regard to the fact that the Staff Committee of the JU, which is to be consulted pursuant to Article 110(2) of the Staff Regulations, has not yet been constituted because the JU has not sufficient staff yet, it is impossible at the present to comply with the requirements of that

¹OJ L 56, 4.3.1968, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/2085/oj>.

² Decision of the Governing Board of Global Health EDCTP3 Joint Undertaking GB/02/2022 of 12 January 2022

provision. The Staff was informed and 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) By virtue of Article 17(2)(h) of the Founding Regulation, the powers of the appointing authority and the authority authorised to conclude contracts of employment are conferred on the Governing Board of the JU.
- (2) Pursuant to Article 17(4) of the Founding Regulation, the Governing Board is to adopt, in accordance with Article 110(2) of the Staff Regulations and the CEOS, 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 of the JU and defining the conditions under which that delegation of powers can be suspended. The Executive Director is authorised to sub-delegate those powers and should inform the Governing Board of such sub-delegations.
- (3) Pursuant to Article 17(4) of the Founding Regulation, where exceptional circumstances so require, the Governing Board may decide to suspend temporarily the delegation of appointing authority powers to the 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.
- (4) Pursuant to the sixth subparagraph of Article 110(2) of the Staff Regulations and Article 17(2)(v) of the Founding Regulation, the Governing Board is to adopt, in agreement with the Commission, the implementing rules for giving effect to the Staff Regulations and the CEOS.
- (5) Decisions on the daily management of the JU, and in particular decisions in individual staff matters should be taken at the most appropriate level.
- (6) The Executive Director manages the JU and should be, in particular, responsible for the day-to-day administration of the JU.
- (7) On the basis of Service Level Agreements, certain appointing authority powers of a technical nature could be sub-delegated by the 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 JU.
- (8) It is therefore necessary to adopt a decision delegating the relevant competences in the area of staff management to the Executive Director,

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 JU, except:

- a. the Executive Director;
- b. 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 of the JU, except for the adoption of the implementing rules to give effect to the Staff Regulations and the CEOS.
2. The powers referred to in paragraph 1 are conferred on the Executive Director without prejudice to other competences of the Governing Board as provided for in the Founding Regulation.
3. In case the accounting officer is a staff member of the JU, decisions related to the selection, extension of his contract, termination of contract, appraisal and reclassification shall be subject to the approval of the Governing Board.
4. The powers referred to in paragraph 1 concerning Article 90(2) of the Staff Regulations are exercised by the Governing Board when the contested decision was taken at the level of the Executive Director.

Article 3

1. The 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 JU. In such case, the Executive Director may not exercise himself or herself the powers, 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 JU or *ad personam*.
3. The Executive Director, may sub-delegate the relevant powers referred to in Article 1 to the services of the Commission. The sub-delegation shall be carried out in writing and brought to the attention of the staff.
4. The Executive Director shall inform the Governing Board of such sub-delegations. Sub-delegations shall be 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 paragraph 1 of Article 3 is unable to act, those powers shall be exercised in accordance with the rules on deputising set out in the JU's internal rules.
2. The person exercising the deputising role may exercise the powers conferred on the Executive Director within the limits required by ensuring business continuity in the operation and the day-to-day management of the JU, without impairing the powers conferred on the Executive Director in the provisions governing that role.

Article 5

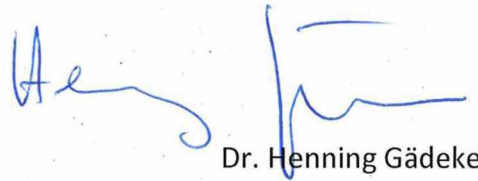
1. Where exceptional circumstances so require, the Governing Board may, by way of a decision, suspend temporarily the delegation of appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director. The delegate shall report to the Governing Board on the exercise of such a 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 JU. 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 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 23 November 2023

For the Global Health EDCTP3 Joint Undertaking



Dr. Henning Gädeke

Chairperson of the Governing Board