



GOVERNING BOARD OF THE GLOBAL HEALTH EDCTP3 JOINT UNDERTAKING DECISION N° GB/26/2024

On the request for the Commission Agreement for derogation from Implementing Rules to the Staff Regulations

THE GOVERNING BOARD OF THE GLOBAL HEALTH EDCTP3 JOINT UNDERTAKING (hereafter “Global Health EDCTP3 JU”),

Having regard to the Treaty on the Functioning of the European Union;

Having regard to the Staff Regulations of Officials of the European Union (hereinafter ‘Staff Regulations’) and the Conditions of Employment of Other Servants of the European Union (hereinafter ‘CEOS’), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68 as last amended, and in particular to Article 110(2), third subparagraph, of the Staff Regulations;

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) and, (2)(v) thereof,

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 3.3. B) thereof;

After consulting the Staff Committee,

WHEREAS:

- (1) Pursuant Article 110(2) of the Staff Regulations implementing rules adopted by the Commission to give effect to the Staff Regulations shall apply by analogy to the agencies to that end, the Commission informs the agencies of any such implementing rule without delay after adoption;
- (2) On 22 December 2023 the Commission informed the agencies on the adoption of Commission Decision C(202)8630 of 12.12.2023 on the prevention of and fight against psychological and sexual harassment, and repealing Decision C(2006) 1624/3;
- (3) This communication triggered the nine-month deadline for agencies to decide if they will apply the rules by analogy or request a derogation;

- (4) The Global Health EDCTP3 Joint Undertaking considers that Commission's Decision C(2023)8630 is not suitable to apply by analogy to the Agency, mainly because of its different internal structure. Therefore, it is appropriate to request a derogation not to apply these rules by analogy and to adopt different rules;
- (5) The Agencies Standing Working Party (SWP) has informed the agencies that in coordination with the Commission, a specific model decision adapted to agencies will be developed and which will better suit the needs of the agencies;
- (6) Pursuant to Article 110(2) of the Staff Regulations and guidelines on the implementation of Article 110(2) of the Staff Regulations with regard to the implementing rules applicable in the agencies, the Governing Board must empower the Executive Director to request the Commission's agreement for derogation.

HAS DECIDED AS FOLLOWS:

Article 1

With a view to adopting different rules, the Executive Director of the Agency is hereby empowered to request the Commission's agreement on the non-application by analogy of Commission's Decision C(2023)8630, pending the finalisation of a model decision on this matter for agencies.

Article 2

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

Done at Brussels, 19 August 2024.

For the Global Health EDCTP3 Joint Undertaking Governing Board

Irene Norstedt

Chairperson of the Governing Board