

**DECISION OF THE MANAGEMENT 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 EUROPEAN CHEMICALS AGENCY (hereinafter referred to as '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>,

Having regard to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC<sup>2</sup>, and in particular Article 103(2) 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,

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

After consulting the Staff Committee,

WHEREAS:

1. On 17 December 2013, the Commission informed the Agency that it adopted Decision C(2013)9028 of 16 December 2013 amending the Commission Decision of 28 April 2004<sup>3</sup> 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 Agency. By way of derogation, an agency may request the Commission's agreement to the non-application of certain implementing rules.
3. In the Agency, 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.

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<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.

<sup>2</sup> OJ L 396, 30.12.2006, p.1, corrected by OJ L 136, 29.5.2007, p.3.

<sup>3</sup> 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 Agency, temporary agents referred to in Article 2(a) of the CEOS is exclusively the head of the Agency (whose contract duration is governed by the act establishing the Agency). 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 Agency's reality.
5. Taking into account the way the Agency 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 Agency.
7. Commission Decision C(2013)9028 should not therefore apply to the Agency,

HAS DECIDED AS FOLLOWS:

*Article 1*

Commission Decision C(2013)9028 of 16 December 2013 amending Commission Decision of 28 April 2004<sup>4</sup> on the maximum duration for the recourse to non-permanent staff in the Commission services shall not apply to the Agency.

*Article 2*

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

Done at Bratislava, 29.09.2016

For the Agency

*signed*

Nina Cromnier

Chairman of the Management Board

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<sup>4</sup> See footnote 3.