

DECISION n° 131

of the Administrative Board of the European Railway Agency on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work

THE ADMINISTRATIVE BOARD OF THE EUROPEAN RAILWAY AGENCY,

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

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union (CEOS), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Articles 55a and 110(2) of the Staff Regulations and Annex IVa thereto, applicable to other servants pursuant to Articles 16 and 91 of the CEOS,

Having regard to Regulation (EC) N° 881/2004 of the European Parliament and of the Council establishing a European Railway Agency² (hereinafter referred to as "the Agency"),

After consulting the ERA Staff Committee,

Whereas:

1. The Commission Decision of 15 April 2014 on working time C(2014) 2502, applicable by analogy to ERA since 1st June 2014 contains provisions which affect the rules relating to part-time work.
2. The new provisions require amendments to the Commission Decision of 16 December 2013 on Article 55a and Annex IVa to the Staff Regulations concerning part-time work C(2013) 9046, which has been in force since 1 January 2014.
3. On 12 January 2016, the Commission informed the ERA on the adoption of its new Decision on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work C(2015) 9720 of 8 January 2016.
4. Pursuant to Article 110(2) of the Staff Regulations, implementing rules referred to in Recital 3 should apply by analogy to the ERA. They should enter into force at the Agency either nine months after their notification by the Commission, or, by the decision of the Administrative Board of the ERA, at an earlier date.
5. The assignment of duties to staff working part-time must take account of the fact that they work on a part-time basis.

¹ OJ L 56, 4.3.1968, p. 1.

² OJ L 220, 21.6.2004, p. 3

6. The application of Article 55a(2)(d) of the Staff Regulations, which has been in force since 1 January 2014, has revealed a demand for the option of working on a 95 % part-time basis with application of the pro rata calculation of remuneration provided for in the first two paragraphs of Article 3 of Annex IVa to the Staff Regulations.
7. More flexible application of the provisions on special part-time work (time credits) requires the introduction of a new provision allowing officials benefiting from this arrangement to use the days or half-days acquired over a period of 12 months.
8. In the interests of clarity, examples should be given of cases where it might be duly justified, as provided for in the fourth paragraph of Article 1 of Annex IVa to the Staff Regulations, for a new period of part-time work not to start on the first day of a month.
9. For reasons of clarity and legal certainty, Commission Decision C(2013) 9046 of 16 December 2013 should no longer apply to the ERA,

HAS DECIDED

Article 1

To apply Commission Decision C(2015)9720 on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work by analogy.

Article 2 – Entry into force

The Commission Decision of 16 December 2013 on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work C(2013) 9046 is no longer applicable at the European Railway Agency.

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

Done at Valenciennes, on 31-03-2016
For the Administrative Board

The Chairman
Mats ANDERSSON

Annex: Commission Decision C(2015)9720 on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work