

**DECISION n°104**

**of the Administrative Board of the European Railway Agency on the setting up of a Staff Committee at the European Railway Agency**

THE ADMINISTRATIVE BOARD OF THE EUROPEAN RAILWAY AGENCY,

Having regard to the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, and in particular Article 9, 10 and 10a of the Staff Regulations, and Article 1 of Annex II, concerning the Staff Committee;

Having regard to Regulation (EC) n° 881/2004 of the European Parliament and Council of 29 April 2004 establishing the European Railway Agency<sup>1</sup> hereinafter referred to "Agency Regulation";

After consultation with the Staff Committee and in agreement with the European Commission pursuant to Article 110 of the Staff Regulations,

WHEREAS

- (1) The Staff Committee shall represent the interests of the staff vis-à-vis ERA and shall provide a channel for the expression of opinion by staff;
- (2) Agencies shall adopt the appropriate implementing rules for giving effect to the Staff Regulations, after consultation of the relevant Staff Committee;
- (3) The Staff Committee shall ensure the fair representation of staff of the Agency.

HAS DECIDED AS FOLLOWS:

**Article 1**  
***Purpose and scope***

The Staff Committee shall represent the interests of the staff vis-à-vis ERA, and maintain continuous contact between ERA and its staff. It shall contribute to the smooth running of the Agency by providing a channel for the expression of opinion by staff.

**Article 2**  
***Tasks***

The Staff Committee shall bring to the notice of the Executive Director of ERA or other persons designated by him/her any difficulties having general implications concerning the interpretation and application of the Staff Regulations. It may be consulted on any difficulty of this kind. The Staff Committee shall submit to the Executive Director suggestions concerning the organisation and operation of ERA's services and proposals for the improvement of staff working conditions or general living conditions.

**Article 3**  
***Social welfare bodies***

The Staff Committee shall participate in the management and supervision of social welfare bodies set up by ERA in the interests of its staff. It may, with the consent of the Executive Director, set up such welfare bodies.

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<sup>1</sup> OJ L 220, 21.6.2004, p. 3

**Article 4**  
***Consultation on implementing rules***

The Staff Committee shall be consulted regarding the appropriate implementing rules giving effect to the Staff Regulations within ERA, before they are adopted by the Administrative Board, as laid down in Article 110(2) of the Staff Regulations.

**Article 5**  
***Composition***

1. The composition of the Staff Committee, as set out below, shall properly reflect the current situation within ERA.

The Staff Committee shall consist of 6 full members and 6 alternate members, representing the staff situation in the Agency for the following types of staff:

- temporary agents in function group AD;
- temporary agents in function group AST;
- temporary agents in function group AST/SC
- contract agents;
- Seconded national experts can appoint observers.

In case the composition has been substantially altered within ERA, it can be changed jointly by the Staff Committee deciding by a majority of its members and the Executive Director before a new election cycle.

2. The alternate member shall replace a full one during the period that the latter is unable to perform his/her tasks.

**Article 6**  
***Rights and obligations***

1. The duties undertaken by full members or by alternate members of the Staff Committee shall be deemed to be part of their normal service in ERA.

2. The fact of performing such duties shall in no way be prejudicial to the person concerned.

3. Membership of the Staff Committee does not constitute a special standing, with regard to the extension of an employment contract limited in time.

**Article 7**  
***Term of office***

1. The term of office of the Staff Committee shall be two years.

2. The Staff Committee shall elect a Chairperson and a Co-chairperson as well as a Secretary General within its members by an absolute majority of its full members present or represented by alternates.

3. The term of office of a member of the Staff Committee shall cease in particular upon death, resignation from the Committee, or termination of employment with ERA.

4. In the event of the departure of a full member, he/she shall be automatically be replaced by his/her alternate. A full member and his/her alternate shall automatically be replaced in the event of their departure by the full candidate and his/her alternate who obtained the highest number of votes among the candidates not elected at the last election. In case of list votes, the candidate shall be taken from the same list.

5. Any member of the Staff Committee who changes function group or type of contract / mandate during his / her term of office shall remain in office until expiry of the term of the Staff Committee.

6. In the event of collective resignation of the Staff Committee or a successful motion of no-confidence in conformity with Article 8 (7) of this IR, the Appointing Authority shall then organize new elections according to the electoral rules.

7. If the term of office of the Staff Committee expires before a new Committee has been elected, the sitting members shall remain in office until replaced by newly elected members in order to deal with on-going affairs.

**Article 8**  
***Internal rules of procedure***

1. The Staff Committee shall adopt its own rules of procedure, which shall be notified to the Executive Director and to staff. These Rules shall allow the Committee to work by written procedure and may also determine the distribution of duties among its members.
2. The Staff Committee and the Executive Director or another person designated by him/her shall meet at least twice a year and at the request of the Staff Committee or the Executive Director, at any time on any urgent matter.
3. The Staff Committee shall meet at least every two months.
4. The Staff Committee shall convene a general meeting of staff at least once a year in order to present a report on its activities and propose its future action plans.
5. Meetings of the Staff Committee shall be competent to transact business only where at least two thirds of its full members are present or represented by alternates. If the quorum is not reached, the meeting shall be reconvened by means of a letter sent to all the members and alternates in accordance with the rules of procedure, specifying that a reduced quorum applies, consisting of a majority of the full members present or represented by alternates.
6. Decisions shall be taken by a majority of full members present or represented by alternates.
7. The Staff Committee can be dismissed by a motion of no confidence approved by a simple majority of the staff entitled to vote. This motion of no confidence shall be organised and implemented in accordance with the rules applicable for elections following a written request of 10% of staff members.

**Article 9**  
***Consultation of the Staff Committee***

1. When consulted, the Staff Committee shall have a period of 15 working days to declare its position on relevant matters.
2. In case of urgent and exceptional matters, this period may be shortened on the basis of a consensus between the Chairman of the Staff Committee and the Director.
3. If no opinion has been delivered within the period agreed, ERA shall take its decision.

**Article 10**  
***Resources***

1. Subject to the agreement of the Executive Director, the Staff Committee shall be entitled to make use of ERA's facilities for printing and communication, in order to perform its duties and to inform staff.
2. Missions carried out by members of the Staff Committee, in the exercise of their duties, shall be reimbursed according to the normal rules applied within ERA.

**Article 11**  
***Elections***

1. The conditions for the election of the Staff Committee shall be laid down as rules of electoral procedure at a general meeting of the staff of ERA and shall strive towards having staff members of all categories and services represented in the Staff Committee.  
The members of the Staff Committee shall be elected by a secret ballot of temporary and contract agents whose contracts are for an indefinite period or for one year or more, or whose contracts are for less than a year provided they have been employed for at least six months.
2. A servant with an indefinite duration contract or whose contract is for one year or more at the date of election shall be entitled to stand for election to the Staff Committee.

3. Elections shall be valid only if two-thirds of those entitled to vote take part. However, if this proportion is not attained, the second vote shall be valid if the majority of those entitled to vote take part. This second vote shall be organised immediately.

**Article 12**  
***Amendment to the rules of electoral procedure***

1. These rules of electoral procedure may be amended:

- On request of the Executive Director or,
- On request of the Staff Committee,

followed by an agreement by a majority of two-thirds of the members present at the general meeting of members of staff duly convened for this purpose.

2. The proposed revised rules shall be submitted to the staff not less than five working days before the general meeting.

3. In any case they shall be submitted to the Commission according to Article 110(2) of the Staff Regulations.

**Article 13**  
***Entry into force and repeals***

This decision shall take effect on the day following that of its adoption. The decision on 'Rules laying down the composition and operation of the Staff Committee of ERA' adopted by the Agency's Administrative Board on 17/03/2005 shall simultaneously be repealed.

Done at Valenciennes, on 28-10-2014

For the Administrative Board

The Chairman

Mats ANDERSSON