



DECISION n°60
of the Administrative Board of the European Railway Agency
adopting the Multi-Annual Staff Policy Plan 2012-14

THE ADMINISTRATIVE BOARD OF THE EUROPEAN RAILWAY AGENCY,

Having regard to Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency¹ (hereinafter referred to as "the Agency") as amended by Regulation (EC) No 1335/2008 of the European Parliament and of the Council of 16 December 2008², (hereinafter referred to as "the Agency" or ERA);

Having regard to the European Commission Guidelines on Staff Policy Plan in Regulatory Agencies (C(2005) 5304 of 16 December 2005 ;

Having regard to the Commission advice of 17 February 2011 on the Multi-annual Staff Policy Plan 2012-2014 of the European Railway Agency;

Whereas:

- 1) Establishing a minimum core of common principles as well as a staff policy which is consistent both among the different European regulatory Agencies and between the Agencies and the Commission is a prerequisite for improving working conditions and career development prospects for staff employed by EU agencies;
- 2) Through the adoption of a multi-annual Staff Policy Plan for the next three years the Agency, based on an analysis of the mission and institutional tasks entrusted by its funding regulation, identifies different types posts (long-term and short-term) and associated career profiles. The document serves namely thus to justify the establishment plan to the budgetary authority. Furthermore, it aims at standardising selection procedures, improving opportunities for mobility;
- 3) The plan is drawn up by the Executive Director of each Agency and, following consultation of the Commission, is submitted to the administrative board for adoption,
- 4) The Commission's advice has been considered, a significant number of its comments have been taken into account and the original draft has been amended to reflect them as indicated in the annex to the plan;

HAS DECIDED to adopt the Multi-Annual Staff Policy Plan 2012-14 as detailed in the annex to this decision.

Done at Lille, 15/03/2011

For the Administrative Board

The Chairman

MICHAEL HARTING

Annex Multi-Annual Staff Policy Plan 2012-14

¹ OJ L 164, 30.04.2004, p. 1.

² OJ L 354, 31.12.2008 p.51.



Multi-annual Staff Policy Plan 2012-2014 for the European Railway Agency

1 - GENERAL OVERVIEW OF THE CURRENT SITUATION OF THE AGENCY

1.1 General information on the Agency's activities

1.1.1 Description of the agency, its mission and programmed tasks

The Agency was established in 2004 to provide technical support in relation to the implementation of Community legislation aimed at improving the competitive position of the railway sector by enhancing the level of interoperability of railway systems and at developing a common approach to safety on the European Railway system. The Agency has been fully operational since the beginning of 2006.

Its offices are located in Valenciennes, France, and in addition the Agency has meeting facilities in Lille.

The Agency has a number of generic roles within its overall objective to

“contribute, on technical matters, to the implementation of the Community legislation aimed at improving the competitive position of the railway sector by enhancing the level of interoperability of railway systems and at developing a common approach to safety on the European railway system, in order to contribute to creating a European railway area without frontiers and guaranteeing a high level of safety”.

These are as follows:

The Agency is involved in the **Production of documentation**. This takes the form of recommendations for secondary European legislation such as Technical Specifications for Interoperability (TSIs) or Common Safety Methods (CSM). For the drawing up of these recommendations the Agency has established a number of Working Parties composed of representatives of the Competent Authorities from the Member States and the European Railway Representative Bodies. The Agency normally produces application guidance to accompany the formal text.

The Agency is charged with the **Development and Management of Databases and Registers** related to railway Interoperability and Safety. These include such things as the register of vehicle types the reference document of national rules used for vehicle authorisation and the databases of safety certificates and authorizations. The Agency also provides support and advice to the Commission in respect of the databases of notified national rules managed by the Commission.

As an independent and neutral body of expertise the Agency may be called upon to **Compile Reports and Provide Opinions** upon matters within its competence such as national technical or safety rules and refusals by National Safety Authorities to authorise placing railway sub-systems or vehicles in service or proposals for new measures to manage dangerous goods.

The Agency has a growing role in **Dissemination and Training**. The scope of this activity covers both the broad European legal framework of the Interoperability, Driver Licensing and Safety Directives and the specific texts produced by the Agency.

The above activity also reflects the Agency's role of **Providing Assistance to the Commission and Member States** in the development, implementation, and monitoring of the framework put in place by the Interoperability, Safety and Driver Licensing directives.

Finally the Agency has a key role as **Facilitator and Coordinator**. It is a neutral venue and "the only place where all the railway actors meet". In this context it is the ideal forum for development of the understanding of common problems affecting the competitiveness of the railway sector and the building of consensus solutions and a common understanding of priorities.

Broadly speaking this puts the Agency as the de-facto **"Railway System Authority"** for Europe.

The Agency's activities are focused around 13 activities each of which involves a number of projects. These Activities are:

- Safety Management Systems
- Accident Investigation
- Certification & Regulation
- Monitoring of Safety Performance
- Facilitation of Vehicle Authorisation
- ERTMS System Authority
- Technical Specifications
- Railway Staff
- Shared Databases and Registers
- Monitoring Interoperability
- Promoting a Common Approach to Safety and Economic Evaluation
- Support to Agency Operations
- Agency Management

1.1.2 Posts filled in the current year and figures reflecting staff evolution

1.1.2.1 Establishment plan posts

Category and grade	Establishment plan 2010		Posts actually filled at 31.12.2009		Posts filled in by external publication in 2010		Promotion / reclassification in 2010**		Departures 2010		Posts actually filled at 31.12.2010	
	perm	temp	perm	temp	perm ¹	temp ²	perm	temp	perm	temp	perm	temp
AD 16												
AD 15		1										
AD 14				1								1
AD 13												
AD 12												
AD 11		1										
AD 10		11		5				1				6
AD 9		28		24		3		5		2		28
AD 8		21		23		7				2		23
AD 7		6										
AD 6		22		18		14		2		2		29
AD 5		9		7		1						5
Total AD		99		78		25***		8		6		92
AST 11												
AST 10												
AST 9												
AST 8		2		1				1				2
AST 7		2		2								1
AST 6		1						1				1
AST 5		6		3				2				4
AST 4		4		7								5
AST 3		8		5		1		1				7
AST 2		9		7				4				10
AST 1		8		10		5						11
Total AST		40		35		6		9		-		41
Total		139		113		31***		17		6		133

* For the situation 2012-2014, see point 2 and the annex.

** Staff members who were reclassified in accordance with Article 45(2)

*** This figure includes five internal recruitments following external publications

¹ Recruitment + transfer

² All new contracts, including the inter-agency job market

1.1.2.2 Positions financed under administrative expenditure

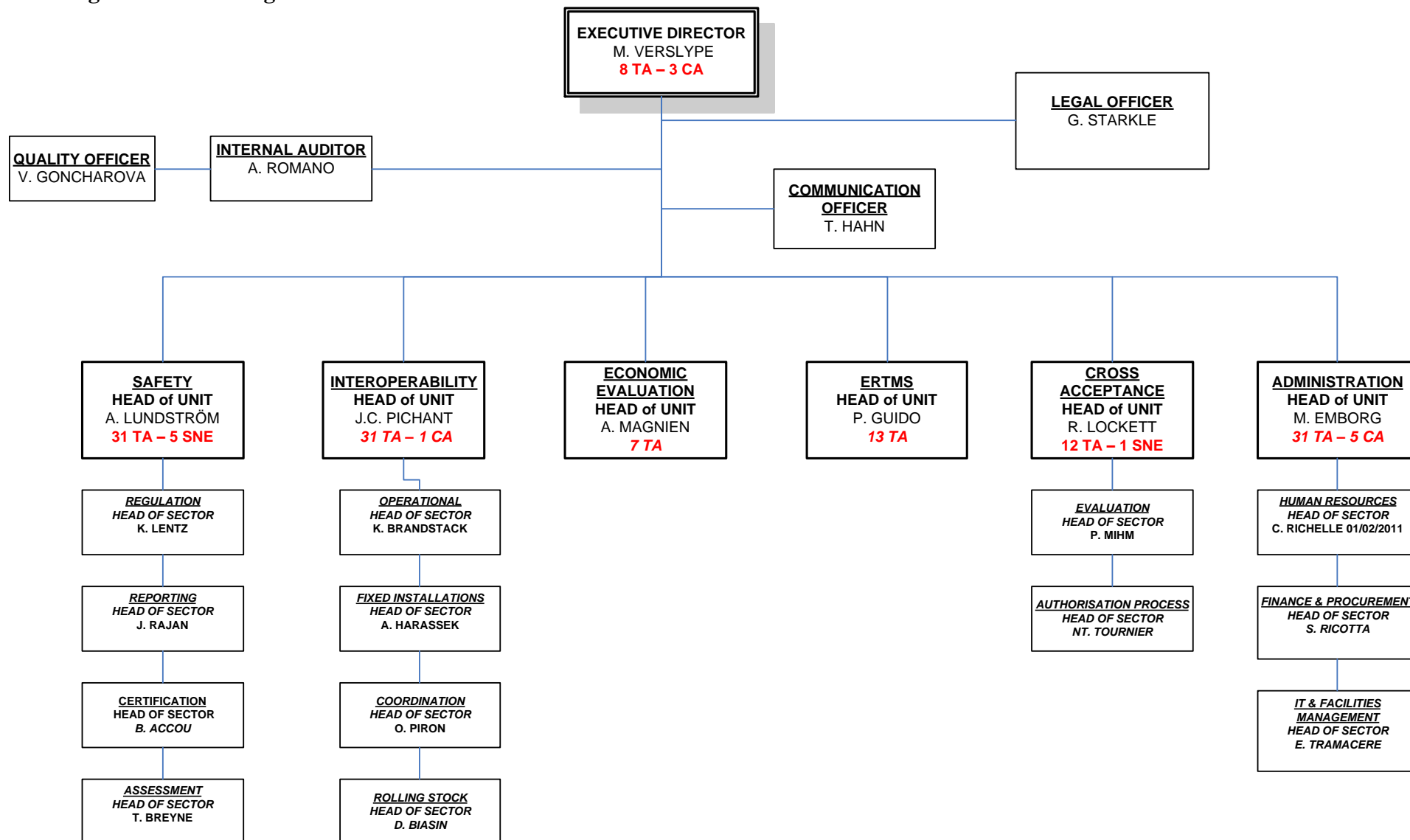
Number of Contractual Agents							
	<i>Positions actually filled at 31.12.2009</i>	<i>Envisaged 2010</i>	<i>Positions actually filled at 31.12.2010</i>	<i>Envisaged 2011</i>	<i>Envisaged 2012</i>	<i>Envisaged 2013</i>	<i>Envisaged 2014</i>
GF IV	4	4	2	4	2	2	2
GF III				1	1	1	1
GF II	6	6	5	7	6	6	6
GF I	2	2	2	3	3	3	3
TOTAL	12	12	9	15	12	12	12

Number of Seconded National Experts						
<i>Positions actually filled at 31.12.2009</i>	<i>Envisaged 2010</i>	<i>Positions actually filled at 31.12.2010</i>	<i>Envisaged 2011</i>	<i>Envisaged 2012</i>	<i>Envisaged 2013</i>	<i>Envisaged 2014</i>
2	5	6	6	7	7	7

1.1.3 Current annual staff-related expenditure, in absolute terms and as percentage of the overall annual expenditure

Chapter 11 of the 2011 budget (expenditure relating to staff working at ERA) amounts to € 15.0M (or 57.6%) out of a total budget of € 26.0M.

1.1.4 Organisation and organisational chart at 31.12.2010



1.2 General presentation of the staff policy followed by the Agency

The following general principles guide the application of the legal framework concerning ERA staff:

- As a general rule tasks are carried out by Temporary Agents. The main exceptions are for tasks where it is not clear that they are of a long term nature, tasks which do not require the post holder to have completed secondary education and situations where budgetary constraints do not allow for employing Temporary Agents;
- Temporary and Contract Agents are as far as possible treated in the same way.

In addition, it should be noted that the Agency does not employ officials. However, there are cases where EU officials have been seconded at their own request and have therefore acquired the status of Temporary Agent.

1.2.1 The Agency's recruitment policy as regards the selection procedures, the entry grades of different categories of staff, the type and duration of employment and different job profiles

In order to promote internal mobility, selection procedures for Temporary and Contract Agents are preceded by an internal procedure in order to determine whether there are any qualified existing staff members who are interested in being transferred to the vacant position. See further point 1.2.5. below.

1.2.1.1 Selection procedures

The procedures for selection and recruitment of Temporary Agents, Contract Agents and Seconded National Experts are based on Articles 27-34 of the Staff Regulations and Articles 12-15 of the Conditions of Employment of Other Servants of the European Communities (CEOS), the related Implementing Rules on Temporary Agents and Contract Agents, the Financial Regulation (European Commission and ERA), the Code of Good Administrative Behaviour and the European Data Protection Supervisor (EDPS) rules.

As nationals of Norway, Iceland and Lichtenstein are eligible for working for ERA, the Agency cannot make use of the general reserve lists established by EPSO.

The selection procedures for the recruitment of **Temporary Agents** and **Contract Agents** are carried out in accordance with ERA Decision N° 251/11.2009 on Temporary Agents in the European Railway Agency and ERA's 'Internal Selection and Recruitment Procedures' concerning Temporary Agents and Contract Agents adopted on 01/07/2009. The General Implementing Provisions on the procedures governing the engagement and use of Contract staff at the European Railway Agency (no 340/11.2010) was adopted on the 9th November 2010.

The different steps of the procedure may be summarised as follows:

- The drafting and publication of a **vacancy notice** fixing amongst other specifications, eligibility and selection criteria, type and duration of contract and recruitment grade. ERA publishes on its website, Intracomm and the EPSO website³. Vacancies are also

³ ERA is also party to the agreement on the Inter-Agency Job Market but has so far not made any use of the possibility to recruit staff this way.

sent to other EU agencies, members of the Administrative Board, the permanent representations of Member States to the EU and national railway organisations. Vacancies are also promoted through specialised press, when appropriate.

- **Applications** are received only by e-mail.
- A **selection committee** is nominated by the Executive Director and is composed of at least three members including the Head of Unit concerned, a representative from the Administration Unit (usually from the HR Sector) and a representative from the Staff Committee. Exceptionally, experts from outside ERA are invited to be member of a selection committee. The role of the selection committee is to prepare the list of questions and the written test, to select on the basis of eligibility and selection criteria the candidates to be short listed, to conduct the interviews and written tests, to evaluate the replies and decide on the suitability of applicants and make a recommendation to the Executive Director on the applicant (s) to be included in the reserve list of successful candidates. As a general rule, all members of the selection committee will have followed the relevant training offered by DG HR.
- The **compliance with impartiality, confidentiality and transparency of procedures** is monitored by the HR Sector and deviances are transmitted to the Executive Director. For example all members of the selection committee complete a 'declaration of confidentiality and conflict of interest' form.
- **Interviews and written tests** are organised by the HR Sector which provides logistic and secretarial support including the scheduling of interviews/test (s), sending invitations to the applicants and responding to queries from invited applicants.
- **Recommendations of the selection committee** are prepared summarising the results of the assessment and drawing up a list of applicants considered suitable for the post. The evaluation sheets signed by the members of the Committee are annexed to the written recommendation.
- The Executive Director adopts a **decision** on the candidates to be entered on the reserve list and any job offers to be made. All candidates are then informed of the result of their application.
- There is **access to information** regarding all stages of the selection procedure for candidates who so request it. Documents are kept by the HR Sector in accordance with the guidelines of the European Data Protection Supervisor.
- A candidate has 20 days to launch an **appeal procedure**. The selection committee has 45 calendar days to reply to requests for appeal.
- **Data is processed** in accordance with Regulation (EC) N°45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies on the free movement of such data.
- The **recruitment procedure** consists of telephone contact with the candidate, confirmation, by e-mail, and exchange of information using the personal data form to calculate monthly salary. The step at recruitment level is calculated, a salary simulation made, and the job offer sent by post. An invitation for a pre-recruitment medical is sent together with a request of the necessary supporting document. A contract of employment is then signed following the receipt of all relevant documentation and a medical 'fit to work' certificate.

The procedure applies by analogy to the selection of **Seconded National Experts** with the following exceptions:

- SNEs already in post at the Agency may be members of the Selection Committees for SNE selection only
- SNEs do not necessarily have to pass written tests

- SNEs do not need to provide the same number of supporting documents in view of their secondment to ERA

Before the secondment of an SNE is finalised, the Agency sends a letter to his/her employer requesting written approval of the secondment and also of the period of secondment concerned (Exchange of letters).

1.2.1.2 The Entry grades for different categories of staff and the length of the contracts

Depending on the function and the level of tasks and within the limits authorised by the establishment plan of the Agency, Temporary Agents are recruited at the following entry grades:

- AST 1 to AST 4 for the function group AST
- AD 5 to AD8 for the function group AD

For managerial posts or highly specialised posts, ERA can engage Temporary Agents at grades AD 9, AD10, AD 11 or on an exceptional basis, at grade AD12.

In the Assistant function group, recruitment at a grade higher than the one provided for above can exceptionally take place on the basis of an analysis of the labour market conditions and the need for particularly experienced staff.

1.2.1.3 Length of contracts

Temporary Agents

- *Short-term Temporary Agents*

These posts are filled by staff recruited from among experts of the railway sector or, exceptionally, staff employed on administrative, technical, secretarial or implementing tasks of a defined duration or to cover peaks in workload over a limited period.

Short-term Temporary Agents are engaged for tasks of a limited duration. Article 24(3) of Regulation 881/2004 establishing the Agency provides that contractual positions in the operational railway sector are limited to a maximum of five years. However, in order to guarantee continuity of service this provision was amended in 2008 to allow a maximum length of service of eight years during ERA's first 10 years of operation.

Short term Temporary Agents are normally offered an initial contract of four years with the possibility of renewal.

ERA requires an interruption of service of at least six months before it can recruit a short term Temporary Agent who has earlier reached the maximum length of stay at ERA as a short term Temporary Agent.

- *Long term Temporary Agents*

Long term Temporary Agents are engaged for permanent tasks. Staff are employed for long-term administrative, technical, secretarial or implementing tasks.

Long term Temporary Agents are normally offered an initial contract of four years with the possibility of renewal. The first renewal is normally for two years and any further renewals

will have to be for an indefinite period. So far three staff members have been offered a renewal for an indefinite period.

Contract Agents

▪ *Short-term Contract Agents*

In accordance with Article 85 of the CEOS, contract staff can be recruited for a fixed period of at least three months and not more than five years. Contract Agents are recruited for their specific competence in different areas of administration (finance, HR, IT, logistics, legal, audit, quality management), in the railway domain or to perform manual or secretarial tasks.

This type of contract is usually used to meet specific needs such as:

- Coping with temporary peaks in workloads;
- Launching pilot projects or new activities whose long-term commitment in terms of staffing is unclear;
- Replacing staff on long-term absences such as maternity leave, long-term sick leave or CCP;
- Unforeseen deficits in staffing levels and budgetary restrictions in overcoming this problem by recruiting Temporary Agents.

Contracts for Contract Agents in function groups II, III and IV are renewed only once, unless the first two contracts cover a period of less than three years. In the latter case, the contract can be renewed to a maximum of three times. The length of contract renewals or the cumulated duration of successive contracts awarded is limited in the same way as for short term Temporary Agents.

An interruption of service of at least six months is required before the Agency can recruit a Contract Agent who has earlier reached the maximum length of stay at ERA.

Where the functions performed turn out to be of a more permanent nature, the Contract Agent post will be replaced by a Temporary Agent post, subject to budgetary availability.

▪ *Long-term Contract Agents*

Contract Agents in function group I on long term employment can be recruited to perform manual or administrative support duties. In line with the policy for long term Temporary Agents, the initial contract will normally be for four years renewable.

The Agency does not intend to employ long term Contract Agents in function groups II, III and IV.

Seconded National Experts

In 2009, ERA adopted a decision on the policy and the procedures governing the recruitment and use of seconded national experts in ERA consolidating and simplifying the existing rules (Decision N° 237/2009). SNEs assist ERA staff and cannot perform middle management duties.

SNEs are seconded from their national employer to the Agency's operational units on the basis of their specific competencies and technical expertise in the railway domain.

A possibility to recruit ‘cost-free’ SNEs also exists where ERA does not pay any allowances or cover any of the expenses related to the performance of their duties during their secondment although ERA has no such SNEs at the moment.

The initial period of secondment may not be less than six months or more than two years. It may be renewed once or more up to a total period not exceeding four years. Exceptionally, ERA’s Executive Director may authorise one more extension of the secondment for the maximum duration of one year at the end of the four year period⁴. Each secondment and extension is subject to an exchange of letters. An SNE may be seconded once again provided that the conditions of secondment still exist and a period of at least six years has elapsed between the end of the previous secondment and the new secondment unless the previous secondments lasted for less than four years.

Trainees

Professional traineeships last between three and five months in accordance with ERA’s Decision N°06.2006/2009. This duration is fixed and cannot be changed or extended. Professional traineeships are organised twice per year.

1.2.1.4 Different job profiles

Temporary agents on long term employment

- Human Resources Officer/Assistant
- Financial Officer/Assistant
- ICT Officer/Assistant
- Secretary

Temporary Agents on short term employment

These profiles mainly include professionals from the railway sector on the basis of their specific qualifications and experience.

- Project Officer
- Advisers

Contract Agents on long term employment

- Administrative and Logistician Support Agent

Contract Agents on short term employment

- Legal officer
- Quality Officer
- Secretary

Seconded National Experts

- Project Officer

⁴ Article 24(3) of the Agency Regulation limits periods of secondment to a maximum of five years.

1.2.2 The Agency's policy as regards performance appraisal and promotion/reclassification

The Agency applies its Decision N°118/04.2008 on “Staff Performance Appraisal at the European Railway Agency” and N°130/06.2008 on “Staff Reclassification at the European Railway Agency”. The third reclassification exercise took place in 2010 and 17 members of staff were reclassified.

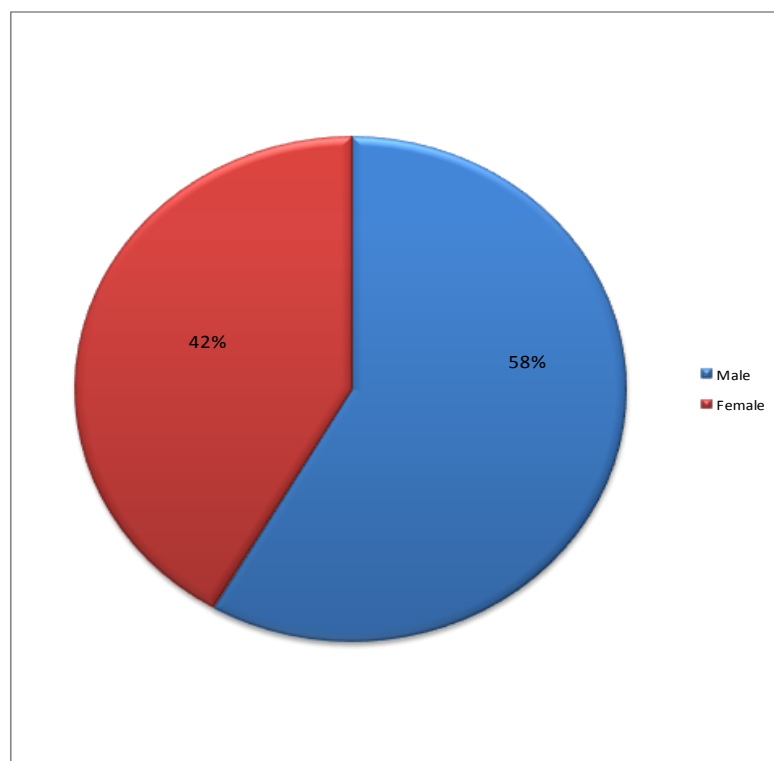
The Agency's reclassification policy complies with the principles established in the Commission's model decision on reclassification of Temporary Agents. There is as of yet no scheme in place for the reclassification of Contract Agents.

1.2.3 Statistics and general orientations to promote equal opportunities and concrete measures planned in order to ensure equal treatment among the staff members

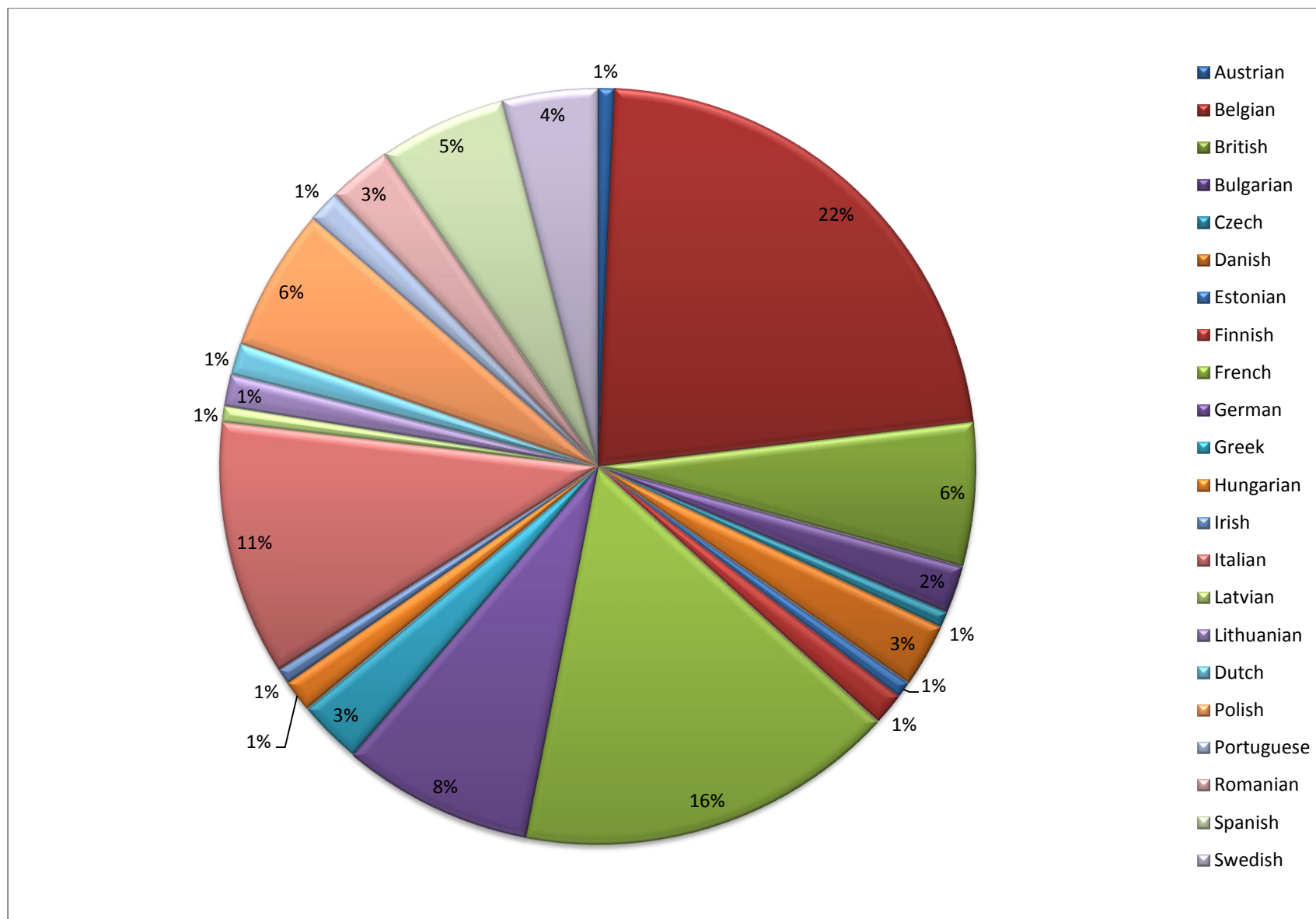
The following non-discrimination notice is included in all vacancy notices:

“Equal opportunities: The European Union takes great care to avoid any form of discrimination in its recruitment procedures”.

Applications are encouraged from all candidates and facilities management is prepared to accommodate people with disabilities. A positive discrimination policy however has not been put in place. There has been an improvement on gender balance since last year. As can be seen from the pie chart, the current figures are 58% male staff and 42% female staff compared to 62% male staff and 38% female staff. These figures include both Temporary Agents and Contract Agents.



1.2.4 Statistics on geographical balance



1.2.5 Mobility policy in regard to the different types of employment

1.2.5.1 Mobility within the agency

The Agency actively promotes internal mobility but due to the high number of short term staff and the very specific, technical competences of a big part of the staff, internal mobility remains limited.

As from September 2009 before vacant posts are filled, internal candidates are given the chance to declare their interest in the posts. This is done by sending an email to everybody informing about the vacancy. If an existing staff member is interested and found qualified (s)he will be transferred to the vacant post. In addition, the Agency has an annual procedure for promoting internal mobility among secretaries.

Otherwise, ERA members of staff can apply for vacant posts within the Agency in accordance with Decision N°40/12.2006 following their successful participation in a selection procedure. The successful candidates shall undergo a probation period of six months if recruited as Temporary Agents on the basis of a call for interest.

1.2.5.2 Mobility among agencies (Inter-agency Job Market)

Many of the support staff who have left ERA have accepted Temporary Agent positions in other agencies. In addition, the recent establishment of a number of new Joint Undertakings in Brussels has led to staff leaving and candidates refusing job offers from ERA. On the other hand, many staff members who took up long-term Temporary Agent positions at ERA come from other EU Agencies. Although ERA has joined the Interagency Job Market, no tangible effect is evident.

1.2.5.3 Mobility between the agencies and the institutions

Some posts are filled by staff coming from other European institutions (in particular the Commission), although the number remains small. There have also been some departures due to members of staff passing competitions and attaining the status of officials.

2 - OVERVIEW OF THE SITUATION OVER NEXT THREE YEARS

2.1 Turnover due to retirement or termination of employment

2.1.1 Turnover in the Agency because of retirement

The forecast based on the application of Article 47 of the Conditions of Employment (CEOS) where 65 is the retirement age is the following:

Year	Forecast number of retirements
2011	1 retirement
2012	1 possible retirement
2013	2 possible retirements
2014	4 possible retirements

2.1.2 Turnover in the agency because of termination of employment

The following figures are based on the number of contracts coming to the end of their term over the next three years:

Year	Forecast number of contracts coming to the end of their term
2011	33
2012	23
2013	26
2014	33

Although some of the above contracts are renewable, the number of those which cannot be renewed (short-term staff), will gradually increase, bringing about a significant impact on the recruitment workload.

2.2 Workload

2012 will be a key year for the making transparent and simplification of the processes and rules used for authorising railway vehicles and subsystems. Work will be coming to a conclusion on the extension of scope of the Technical Specifications for Interoperability to the entire railway system and the closing of some of the critical open points. This will eliminate the need for simultaneous conformity with TSIs and national rules each of which requires their own verifications. Furthermore, for cases where national rules remain applicable (e.g. existing non TSI conform vehicles to be authorised in another country) 2012 will see the completion of the Reference Document Database Cross Referencing National Rules for vehicle authorisation and their equivalence.

In the Safety field the migration plan to a single safety certificate for Railway Undertakings will be put in place and migration will commence.

2012 also sees the completion of baseline 3.0.0 of the ETCS specifications.

As well as completing documentation, the Agency will be very heavily involved in dissemination (briefing and training) of the European framework and the contents of the documents that it has produced and that have come into force over the last few years.

With the full implementation of the European framework, the Agency anticipates to be asked to provide a significant number of Technical Opinions on such matters as TSI errors, compatibility of national rules with EU legislation, equivalence of national rules and refusals to authorise placing into service.

The Agency also anticipates a significant amount of work facilitating and coordinating the resolution of cross-sector safety and technical problems.

Despite continuous efforts to make efficiency gains, the activities foreseen for 2012 will lead to an increase in the workload for the Agency and its individual staff members many of whom already have to cope with very significant workloads. Additional efforts will have to be made

20110315 annex ERA AB decision 60 MSPP2012-14

to monitor the situation and prevent this leading to an increase in stress-related absence. In this context, more will be done not only to ensure that the working environment complies with health and safety requirement but also to ensure the well-being of staff leading to them working more effectively.

2.3 Consequences of 2.1 and 2.2 on the number of staff in the Agency for the next three years

In accordance with Article 43 of the Agency's founding regulation, the Commission is at present carrying out an evaluation of the implementation of this regulation. It is likely that the outcome of this evaluation will lead to certain legislative initiatives leading to new tasks for the Agency. However, as long as nothing concrete is known about what such tasks may be, the Agency has not planned for any changes in staffing levels. Similarly, it is also at present too early to predict to what extent the on-going recast of the first railway package will necessitate an increase in Agency staff.

The present plan therefore does not contain any additional staff for the Agency for the years 2012-14. Once there is more clarity about the Agency's future tasks, the planning will be amended accordingly.

In addition, it should be noted that it is likely that certain tasks presently carried out by short-term Contract Agents prove to be of a more permanent nature and that the Agency consequently will want to create certain posts for Temporary Agents in the second and third years covered by this plan to replace short-term Contract Agents.

3. SCHOOLING

There is no European School in Valenciennes where the Agency is located and the Agency has no arrangements with any international school in the vicinity. The local schooling system has an international section (English) at college and 'Lycée' level, but the students follow the French curriculum working towards the 'brevet' and the 'baccalaureate' awarded by the French Ministry of Education. There are facilities for international schooling in Lille but many staff members send their children to the European School in Brussels (and for that reason choose to live in Brussels and commute from there).

4. STATE OF PLAY OF IMPLEMENTING RULES ADOPTED BY THE AGENCY CONSISTENT WITH ITS STAFF POLICY.

TITLE	STATE OF PLAY
<p>Decision of the Executive Director of 16.06.05 adopting the following Implementing Rules:</p> <ol style="list-style-type: none"> 1. Commission decision on general implementing provisions for Article 4 of Annex VIII to the Staff Regulations concerning the taking into account, for purposes of calculating pension rights, of periods of activity previously completed by staff before they resume active employment (C(2004) 1364 of 15.04.2004) 2. Commission decision on general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on transferring pension rights (C(2004) 1588 of 28.04.2004) 3. Commission decision on general implementing provisions for Article 26 of Annex XIII to the Staff Regulations on 	<p>ADOPTED 16.06.2005</p>

<p>transferring pension rights – transitional provisions (C(2004) 1588 of 28.04.2004)</p> <ol style="list-style-type: none"> 4. Commission decision on general implementing provisions for Article 22(4) of Annex XIII to the Staff Regulations (C(2004) 1364 of 15.04.2004) 5. Commission decision on general implementing provisions on granting the household allowance by special decision (C(2004) 1364 of 15.04.2004) 6. Commission decision of 15.4.2004 on general implementing provisions concerning persons to be treated as dependent children (Article 2(4) of Annex VII to the Staff Regulations) (C(2004) 1364 of 15.04.2004) 7. Commission decision on general implementing provisions for giving effect to Article 7(3) of Annex VII to the Staff Regulations on determining the place of origin (C(2004) 1364 of 15.04.2004) 8. Commission decision on general implementing provisions for giving effect to Articles 67 and 68 of the Staff Regulations and Articles 1, 2 and 3 of Annex VII thereto (C(2004) 1364 of 15.04.2004) 9. Commission decision on general implementing provisions for the grant of education allowance (article 3 of Annex VII to the Staff Regulations) (C(2004) 1313 of 07.04.2004) 10. Commission decision on general provisions giving effect to Article 8 of Annex VII to the Staff Regulations (C(2004) 1588 of 28.04.2004) 11. Commission decision on general implementing provisions for Article 42a of the Staff Regulations concerning parental leave (C(2004) 1364 of 15.04.2004) 12. Commission decision on Article 42b of the Staff Regulations concerning family leave (C(2004) 1314 of 14.04.2004) 13. Commission decision on transitional measures required by the revision of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities (C(2004) 1613 of 28.04.2004) 14. Commission decision implementing Article 1d(4) of the Staff Regulations (C(2004) 1318 of 07.04.2004) 15. Commission decision introducing implementing provisions on absences as a result of sickness or accident (C(2004) 1597 of 28.04.2004) 16. Commission decision on introducing implementing provisions on leave (C(2004) 1597 of 28.04.2004) 17. Commission decision on outside activities and assignments (C(2004) 1597 of 28.04.2004) 18. Commission decision on general implementing provisions for Article 2(3) and Article 30 of Annex IX of the Staff Regulations on the conduct of administrative inquiries and disciplinary procedures (C(2004) 1588 of 28.04.2004) 	
<p>The following Commission Implementing Rules have been adopted all together by analogy at ERA on 30/06/2008 (Decision n. 135/06.2008):</p> <ol style="list-style-type: none"> 1. IR on Article 9 of Annex VIII to the Staff Regulations of Officials and Article 39 of the Conditions of Employment of Other Servants concerning the early retirement of officials and temporary agents without reduction of pension rights (C(2004) 1588 of 28.04.2004) 2. IR on Articles 55a and Annex IVa to the Staff Regulations 	<p>ADOPTED 30.02.2008</p>

<p>concerning part-time work (C(2004) 1314 of 14.04.2004)</p> <p>3. IR on Article 55b of the Staff Regulations concerning job-sharing (C(2004) 1588 of 14.04.2004)</p> <p>4. IR on Articles 15, 37 and 40 of the Staff Regulations of Officials and Articles 11, 17 and 88A of the Conditions of Employment of Other Servants concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Communities (C(2004) 1597 of 28.04.2004)</p> <p>5. IR laying down rules on the secondment of national experts to the Commission (C(2006) 2033 of 01.06.2006)</p> <p>6. IR on the reimbursement of medical expenses (C(2007) 3195 of 02.07.07)</p>	
Decision ERA/No 103/02.2008 Concerning Criteria Applicable To Classification In Grade And Step On Appointment And Engagement	ADOPTED 12.02.2008
Decision ERA/No 118/04.2008 on Staff Performance Appraisal At ERA	ADOPTED 20.05.2008
Decision ERA/No 119/04.2008 on Staff Reclassification At ERA	ADOPTED 20.05.2008
Decision ERA/No 251/11.2009 on the Procedure Governing The Engagement And Use Of Temporary Agents	ADOPTED 16.11.2009
Decision ERA/No 151/10.2008 on the Appraisal of the Executive Director of ERA	ADOPTED 02.10.2008
Missions Guide for Agency staff	SUBMITTED TO THE COMMISSION FOR AGREEMENT
General Implementing provisions regarding Middle Management Staff	ADOPTED 10.11.2010
Temporary occupation of Management Posts	SUBMITTED TO THE COMMISSION FOR AGREEMENT
Rules on setting up the Staff Committee Electoral Rules	SUBMITTED TO THE COMMISSION FOR AGREEMENT
Decision on protecting the dignity of the person and preventing psychological and sexual harassment	APPROVED BY THE COMMISSION
Implementing rules on engagement and use of Contract Agents	ADOPTED 09.11.2010
Decision on the determination of special allowances for staff on standby duty	SUBMITTED TO THE STAFF COMMITTEE FOR CONSULTATION

New implementing provision on leave, part-time work, family leave and parental leave	SUBMITTED TO THE STAFF COMMITTEE FOR CONSULTATION
Implementing provisions for reclassification for CA	POSSIBLY TO BE SUBMITTED TO THE COMMISSION IN 2012
Professional underperformance	TO BE SUBMITTED TO THE COMMISSION IN 2012

Annex I Adaptations to the establishment plan in the year 2012 and indicative adaptations in 2013 & 2014

Grade	Establishment plan 2011			Year 2012										
				Posts evolution					Organisational evolution			Establishment Plan 2012		
				Promotion / Career advancement			Turn-over (departures/arrivals)		New posts (per grade)			Requested (Provisional Draft Budget)		
	PERM	TEMP	TOTAL	Officials	TA - LT	TA - ST	Officials	TA - LT	Perm	Temp - LT	Temp - ST	Perm	Temp	Total
AD16														0
AD15		1	1											1
AD14														0
AD13														0
AD12														0
AD11		2	2			2								4
AD10		14	14			-2								12
AD9		26	26			2		-4	4					28
AD8		18	18			-2		-6	6					16
AD7		9	9			2								11
AD6		27	27			-2	2	-8	8					27
AD5		4	4			-2								2
Total AD	101	101	101	0	0	8	0	18		0	0	0	0	101
AST11														0
AST10														0
AST9						1								1
AST8		2	2			-1	1							2
AST7		2	2			-1	1							2
AST6		1	1			-1	2							2
AST5		7	7			-2								5
AST4		6	6											6
AST3		6	6			2		-2	2					8
AST2		10	10			-2	2	-1	1					10
AST1		9	9			-2		-2	2					7
Total AST	43	43	43	0	0	9	0	5		0	0	0	0	43
Overall Total	144	144	144	0	0	17	0	23		0	0	0	0	144

Notes:

1. As the posts to be reclassified have not yet been determined they cannot be separated into LT and ST TA for AD grades. To simplify matters they have been placed in the TA-ST column but this does not exclude promotion of TA-LT in accordance with Art. 2 of the “Decision 119/04.2008 on Staff Reclassification at ERA”.

20110315 annex ERA AB decision 60 MSPP2012-14

2. The turnover figures are based on the number of contracts ending the year of reference.

Grade	2012			Year 2013											
	Establishment plan			Staff evolution						Organisational evolution			Establishment Plan 2013		
	Requested (Provisional Draft Budget)			Promotion / Career advancement in global figures			Turn-over in global figures (departures/arrivals)			New posts			Provisional planning		
	PERM	TEMP	TOTAL	Officials	TA - LT	TA - ST	Officials	TA - LT	TA - ST	Perm	Temp - LT	Temp - ST	Perm	Temp	Total
AD16		0	0												
AD15		1	1												
AD14		0	0												
AD13		0	0												
AD12		0	0												
AD11		4	4												
AD10		12	12												
AD9		28	28												
AD8		16	16												
AD7		11	11												
AD6		27	27												
AD5		2	2												
Total AD		101	101	0	0	0	0	0	0		0	0		101	101
AST11		0	0												
AST10		0	0												
AST9		1	1												
AST8		2	2												
AST7		2	2												
AST6		2	2												
AST5		5	5												
AST4		6	6												
AST3		8	8												
AST2		10	10												
AST1		7	7												
Total AST		43	43	0	0	0	0	0	0		0	0		43	43
Overall Total		144	144	0	0	0	0	0	0		0	0		144	144

Grade	2013			Year 2014											
	Establishment plan			Staff evolution						Organisational evolution			Establishment Plan 2014		
	Provisional planning			Promotion / Career advancement in global figures			Turn-over in global figures (departures/arrivals)			New posts			Provisional planning		
	PERM	TEMP	TOTAL	Officials	TA - LT	TA - ST	Officials	TA - LT	TA - ST	Perm	Temp - LT	Temp - ST	Perm	Temp	Total
AD16															
AD15															
AD14															
AD13															
AD12															
AD11															
AD10															
AD9															
AD8															
AD7															
AD6															
AD5															
Total AD		101	101	0	0	0	0	0	0	0	0	0		101	101
AST11															
AST10															
AST9															
AST8															
AST7															
AST6															
AST5															
AST4															
AST3															
AST2															
AST1															
Total AST		43	43	0	0	0	0	0	0	0	0	0		43	43
Overall Total		144	144	0	0	0	0	0	0	0	0	0	0	144	144



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT

Director-General

Brussels, 17 FEB. 2011
MOVE/D/2-PRa/as D(2011) 198292

**NOTE FOR THE ATTENTION OF MR M. VERSLYPE
EXECUTIVE DIRECTOR OF THE EUROPEAN RAILWAY AGENCY**

**Subject: Multi-annual Staff Policy Plan 2012 – 2014 of the European Railway
Agency
Advice of the European Commission**

Following the transmission by the Agency of its draft Staff Policy Plan (SPP) on 14 January 2011, the Commission's services examined this plan to provide comments before it can be presented to the Administrative Board for adoption.

I positively note that ERA's Staff Policy Plan for 2012-2014 provides information concerning the staff policy based on the Agency's own tasks and requirements and concerning the work and staffing evolution over the next three years as recommended in the Guidelines on Staff Policy in Regulatory Agencies (C(2005) 5304 of 16 December 2005).

I agree to the main orientation of the Agency's staff policy which gives a general coherent overview. It is positively noted that the occupancy rate has improved with a threshold of 96 percent reached in 2010 for the establishment plan posts.

I would like to stress that the SPP needs to be aligned with the statement of estimates 2012 and the related establishment plan to be adopted by the Administrative Board in March 2011.

More detailed comments are provided in annex to this note.

I invite you to amend the draft SPP accordingly and align it with the budgetary request for 2012 with a view to its adoption by the Administrative Board.



Matthias RUETE

Annex: Detailed comments on the draft Staff Policy Plan
Cc: Mr Bonucci, Mr Grillo Pasquarelli, Mr Castelletti, Mr Filipe, Mr El Ameli, Mr Rapacz (MOVE),
Mr Armani, Mr Verheij (HR),
Mr Groutage, Mr Siat, Ms Heirebaudt-Danlos (BUDG)

Commission européenne, B-1049 Bruxelles / Europese Commissie, B-1049 Brussel - Belgium. Telephone: (32-2) 299 11 11.
Office: DM28 08/101. Telephone: direct line (32-2) 2950734.

Annex: Detailed comments on the draft Staff Policy Plan

- (1) Point 1.1.2.1. The columns in the table do not apparently add up for each grade. Please review the figures and possibly explain the method for calculation.
- (2) Point 1.1.2.2. For the years 2011 and further, ERA foresees 15 contract agents, an increase of 3 (25%) compared to the contract agents foreseen for 2010 (and an increase of 6 (67%) compared to the positions currently filled). The Commission suggests that a justification for this increase in contract agents positions should be provided.
- (3) Point 1.1.4. The organisational chart does not provide figures on the number of TA, CA and SNEs per organisational entity. The Commission requests that this information is included in the chart.
- (4) Point 1.2. The draft mentions officials who have been seconded "in their own interest". The correct term would be "seconded at their own request".

In the last paragraph on page 6 a part of the text seems to be missing.

- (5) Point 2.1.1. Retirement of temporary agents is covered by Article 47 of the Conditions of Employment (CEOS), not by Article 52 of the Staff Regulations, which only applies to officials.
- (6) Point 2.3. The last paragraph ("*In addition, it should be noted that...*") should be taken out of the document as it has a budgetary impact which is impossible to assess at this stage.
- (7) Annex (table on page 19). The recruitment of members of staff at the same level of the ones departing is a concern. The recruitment of experts at the lowest entry grades should be the rule.
- (8) Annex (table on page 19). Note 1 to the annex describes that all reclassifications have been listed under TA-LT. However, the table shows that all reclassifications have been included not under TA-LT, but under TA-ST.
- (9) Annex (table on page 19). Although it is understood that provisionally the ERA does not request any additional posts for the establishment plans for 2013 and 2014, the Commission requests that, for the purpose of clarity, the SPP does show the establishment plan figures 2013 and 2014 in the final column. This does not prohibit the ERA from requesting additional posts at a later stage.

ANNEX II ERA's comments to the advice of the Commission

With reference to the European Commission advice and detailed comments dated 17.02.2011 concerning ERA's draft Multi-Annual Staff Policy Plan 2012-2014, the following points have been taken into account:

1. Point 1.1.2.1: the figures provided in the table are correct, and are presented in the same format as last year. The columns might not appear to add up for each grade as some information is not foreseen to appear in this given template (e.g. the total of 25 AD posts filled in by external publication appears, but the 5 internal recruitments following external publication do not appear in the "Departures 2010" column as minuses). ERA is prepared to present the figures differently should the Commission and/or the Administrative Board wish so.
2. ERA has reviewed its need for contractual agents for the years 2012 and further, as well as the figures for Seconded National Experts (SNE). As the figures for 2011 were already adopted by the Administrative Board in 2010, they have not been changed. The tables in point 1.1.2.2 have been updated, foreseeing 12 contractual agents for the years 2012, 2013 and 2014, as well as 7 SNE's. In any case, the figures concerning contractual agents and SNE's are not binding.
3. Following the Commission's advice, the organisation chart on point 1.1.4 now provides the figures on the number of TA, CA and SNEs per organisational entity per 31 December 2010.
4. On Point 1.2, the required corrections have been made ("*...officials have been seconded at their own request...*" replaces "*...officials have been seconded in their own interest...*"). The last paragraph on page 6 was checked and found complete.
5. Point 2.1.1. has been checked and corrected.
6. The last paragraph of Point 2.3 ("*In addition it should be noted that...*") has been checked and the text maintained. It is the same as in last year's plan and merely gives an indication of possible future needs, in all transparency. It is not binding for the Administrative Board and the EU budgetary authority who in the end will decide on the number of posts in the future.
7. The presentation is in line with previous years. In addition it should be noted that the number of posts to be upgraded to allow for reclassifications has been reduced significantly compared with earlier years. The recruitment levels indicated are those in use at ERA for Project Officers and considering that 80% to 90% of the ERA AD Staff is short-term (maximum 5-8 years) they will often not have been reclassified during their employment. In this case, the recruitments for their successors will obviously be at the same level. It is, however, difficult to predict what grade leaving staff will have.
8. Note 1 to the Annex table on page 19 has been checked and corrected.
9. As in last year's plan, the annexed tables for the two last years covered by the plan does not provide a breakdown at the level of grades but only function groups. It should be noted that the Commission in a note of 13 October 2010 addressed to all agencies confirmed that the information required would not have to be any more detailed than last year.

Other changes:

1. Point 4 – "State of Play of implementing rules adopted by the Agency consistent with its Staff Policy" has been adapted as a thorough review was done shortly after the submission of the Draft MASPP 2012-2014 to the Commission.