

DECISION AB n° 27/2011

ON SETTING UP A STAFF COMMITTEE

THE ADMINISTRATIVE BOARD OF THE AGENCY FOR THE COOPERATION
OF ENERGY REGULATORS,

HAVING REGARD to Regulation (EC) No 713/2009 of the European Parliament and
of the Council of 13 July 2009 establishing a European Agency for the Cooperation of
Energy Regulators (hereafter referred to as the "ACER Regulation" and "ACER"), and
in particular to Article 28(2) thereof;

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;

In agreement with the European Commission pursuant to Article 28(2) of Regulation
(EC) No 713/2009 and Article 110 of the Staff Regulations;

Whereas:

- the Staff Committee shall represent the interests of the staff vis-à-vis the
Agency and shall provide a channel for the expression of opinion by staff,
- the Agency shall adopt the appropriate implementing rules for giving effect to
these Staff Regulations, after consultation of the relevant Staff Committee,
- 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 ACER, and
maintain continuous contact between the Agency 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 Director of the Agency 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 Director suggestions concerning the organisation and operation of the ACER'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 ACER in the interests of its staff. It may, with the consent of the Director, set up such welfare bodies, for example social committee.

Article 4

Consultation on implementing rules

The Staff Committee shall be consulted regarding the appropriate implementing rules giving effect to the Staff Regulations within ACER, as laid down in Article 110(1) 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 ACER.

The Staff Committee shall consist of:

- 3 full members and 3 alternate members (as established by the model decision for setting up a staff committee for agencies with less than 100 members of staff),

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;
- contract agents.

The agency's SNEs may designate one representative who will attend the meetings of the Staff Committee as an observer.

The composition can be changed jointly by the Staff Committee deciding unanimously on this issue and the Director before a new election in case the composition does no longer reflect the actual situation within ACER.

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 obligation

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 ACER.
2. The fact of performing such duties shall in no way be prejudicial to the person concerned.
3. Membership in 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 three years.
2. The Staff Committee shall elect a Chairman and a Co-chairman within its members by an absolute majority of its members.
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 ACER.
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 staff 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, the Appointing Authority shall then organise 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 Director and to staff and it may also determine the distribution of duties among its members. These rules shall allow the Committee to work by written procedure.

2. The Staff Committee and the Director shall meet at least 2 times a year and at the request of the Staff Committee or the Director, at any time on any urgent matter.
3. The Staff Committee shall meet at least every three 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 members or alternates.
6. Decisions shall be taken by a majority of members present or represented by alternates.
7. The observer designated by the agency's SNEs representing the Seconded National Experts shall have no vote but shall be duly heard in all matters affecting, directly or indirectly, the Seconded National Experts.
8. 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. If no opinion has been delivered within the period prescribed or agreed, ACER shall take its decision.

Article 10

Resources

1. Subject to the agreement of the Director, the Staff Committee shall be entitled to make use of ACER'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 ACER.

Article 11
Elections

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 ACER and shall be such as to ensure that staff members of all categories and services are 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, and other servants whose contracts are for less than a year provided they have been employed for at least six months.

A servant with an indefinite contract or whose contract is for one year or more shall be entitled to stand for election to the Staff Committee.

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

These rules may be amended:

- By decision of the Administrative Board on the initiative of the Director or,
- On request of the Staff Committee following agreement by a majority of two-thirds of the members present at the general meeting of the staff duly convened for this purpose.

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

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

Article 13
Entry into force

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

Done at Ljubljana, on 22 September 2011

For the Administrative Board:



Piotr Woźniak

Chairman of the ACER Administrative Board