

DECISION
ADB(D)16 -2020

On the adoption by analogy of Commission Decision C (2020) 4818 of 20 July 2020, amending the Commission Decision C (2011) 1278 of 3 March 2011, on the general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on the transfer of pension rights

THE ADMINISTRATIVE BOARD OF THE SESAR JOINT UNDERTAKING ('SESAR JU')

- Having regard to the Treaty on the Functioning of the European Union,
- Having regard to the Staff Regulations of Officials ('Staff Regulations') and 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 to Article 110(2) of the Staff Regulations¹ and Articles 11 and 12 of Annex VIII thereto,
- Having regard to Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation of the European Air Traffic Management system (SESAR)² as amended by Council Regulation (EC) No 1361/2008 of 16 December 2008³ and by Council Regulation (EU) No 721/2014 of 16 June 2014⁴ ("SESAR JU Regulation") and in particular its Article 2a,
- Having regard to Communication from Vice-President Šefčovič to the Commission⁵ 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 3.1 thereof,

After consulting the Staff Committee,

Whereas:

1. On 5 August 2020, the authorities in DG HR notified the SESAR JU of the adoption of Commission Decision C (2020) 4818 of 20 July 2020, amending Decision C (2011) 1278 of 3 March 2011, on the general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on the transfer of pension rights.
2. The SESAR JU adopted Decision C (2011) 1278 by analogy on 15 December 2011, by means of Decision ADB (D) 11-2011.
3. 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 SESAR JU. By way of derogation, an agency may request the Commission's agreement to the non-application of certain implementing rules.

¹ OJ L 56, 04.03.1968, p.1, as last amended by Regulation N° 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of officials of the European Union and the Conditions of Employment of Other Servants of the European Union, (OJ L 287, 29.10.2013, p.15).

² OJ L 64, 2.3.2007, p. 1.

³ OJ L 352, 31.12.2008, p. 12.

⁴ OJ L 192, 1.7.2014, p. 1.

⁵ C(2014) 6543 of 26 September 2014.

4. Commission Decision C (2020) 4818 of 20 July 2020 is suitable to apply by analogy to the SESAR JU without derogations.

HAS DECIDED AS FOLLOWS:

Article 1

Commission Decision C (2020) 4818 of 20 July 2020, amending Decision C (2011) 1278 of 3 March 2011, on the general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on the transfer of pension rights, shall apply by analogy to the SESAR JU.

Article 2

This Decision shall enter into force on the day following that of its adoption.

Done in Brussels, 14 December 2020.

For the SESAR JU Administrative Board



*The Chairperson
Henrik Hololei*