



**DECISION OF THE GOVERNING BOARD
OF THE EuroHPC JOINT UNDERTAKING No 26/2019**

of 13 November 2019

**on the non-application of the Commission Decision on the maximum duration for the
recourse to non-permanent staff in the Commission services**

THE GOVERNING BOARD,

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

Having regard to the Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹,

Having regard to Council Regulation (EU) 2018/1488 of 28 September 2018 establishing the European High Performance Computing Joint Undertaking² (hereinafter 'EuroHPC JU'),

Having regard to Communication C(2014)6543 final of 26 September 2014 from Vice-President Šefčovič to the Commission 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 2.B thereof,

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations C(2016) 2421 of 26/05/2016,

After informing the staff,

Whereas:

- 1) On 10 April 2019, the Commission informed EuroHPC JU that it adopted Decision C(2013)9028 of 16 December 2013 amending the Commission Decision of 28 April 2004³ on the maximum duration for the recourse to non-permanent staff in the Commission services, hereinafter 'Commission Decision C(2013)9028'.
- 2) Pursuant to Article 110(2) of the Staff Regulations, implementing rules such as those referred to in Recital 1 shall apply by analogy to EuroHPC JU. By way of derogation,

¹ OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15.

² OJ L 252, 08.10.2018, p. 1

³ Commission Decision C(2004)1597/6 of 28 April 2004 on the maximum duration for the recourse to non-permanent staff in the Commission services, as amended by Commission Decision C(2011)7071 of 5 October 2011.

an agency may request the Commission's agreement to the non-application of certain implementing rules.

- 3) In EuroHPC JU, all temporary staff other than those referred to in Article 2(a) of the CEOS are those referred to in Article 2(f) of the CEOS and all contract staff are the ones referred to in Article 3(a) of the CEOS.
- 4) In EuroHPC JU, temporary agents referred to in Article 2(a) of the CEOS is exclusively the head of the Agency. As regards the majority of temporary staff in the Agency, namely those referred to in Article 2(f) of the CEOS, they do not fall under the scope of Commission Decision C(2013)9028. The same applies to the unique category of contract staff employed in the Agency, namely those referred to in Article 3(a) of the CEOS. Commission Decision C(2013)9028 is therefore not adapted to EuroHPC JU's reality.
- 5) Taking into account the way the EuroHPC JU operates, it is not appropriate to set a maximum duration of recourse to non-permanent staff, because such a rule could be detrimental to the functioning of the Agency.
- 6) The Commission has given its ex ante agreement to the non-application of Decision C(2013)9028 to the EuroHPC JU
- 7) Commission Decision C(2013)9028 should not therefore apply to EuroHPC JU,

HAS DECIDED AS FOLLOWS:

Article 1

Commission Decision C(2013)9028 of 16 December 2013 amending Commission Decision of 28 April 2004⁴ on the maximum duration for the recourse to non-permanent staff in the Commission services shall not apply to EuroHPC JU.

Article 2

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

Done at Luxembourg, on 13th November 2019.

For the EuroHPC JU

[Signed]

Herbert Zeisel

The Chair

⁴ See footnote 3.