

DECISION 20/2021  
OF THE GOVERNING BOARD OF  
THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY (EIT)

ON THE DELEGATION TO THE DIRECTOR OF THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY OF THE POWERS CONFERRED BY THE STAFF REGULATIONS ON THE APPOINTING AUTHORITY AND BY THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS ON THE AUTHORITY AUTHORISED TO CONCLUDE CONTRACTS OF EMPLOYMENT

THE GOVERNING BOARD OF THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY,

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants ('CEOS') of the European Union laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>, and in particular Articles 2 (1), 110 (2) of the Staff Regulations and Article 6 of the CEOS,

Having regard to Regulation (EU) 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology (hereinafter referred to as 'the founding Regulation'), and in particular Annex I, Section 2, 3 thereto,

Having regard to the Commission Decision giving its agreement pursuant to Article 110 (2) of the Staff Regulations<sup>2</sup>,

After consulting the Staff Committee,

**WHEREAS**

- (1) By virtue of Annex I, Section 2, 3(b) to the Statutes annexed to the founding Regulation, the powers of the appointing authority and the authority authorised to conclude contracts of employment are conferred on the Governing Board of the EIT.
- (2) Pursuant to Annex I, Section 2, 3 (c) of the Statutes annexed to the founding Regulation, the Governing Board is to adopt, in accordance with Article 110 (2) of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the CEOS delegating the relevant appointing authority powers to the Director of the EIT and establishing the conditions under which that delegation of powers can be suspended. The Director is authorised to sub-delegate those powers.
- (3) Pursuant to Annex I, Section 2, 3 (d) of Statute annexed to the founding Regulation, where exceptional circumstances so require, the Governing Board may temporarily suspend the delegation of the appointing authority powers to the Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Director.
- (4) Pursuant to the sixth subparagraph of Article 110(2) of the Staff Regulations and Annex I, Section 2, 3 (a) of the Statutes annexed to the founding Regulation, the Governing Board is to adopt, in agreement with the Commission, the implementing rules for giving effect to the Staff Regulations and the CEOS.

<sup>1</sup> OJ L 56, 4.3.1968, p.

<sup>2</sup> Commission Decision of 27 of May 2021 C(2021) 3937.

- (5) Decisions on the daily management of the EIT, and in particular decisions in individual staff matters need to be taken at the most appropriate level.
- (6) The Director manages the EIT and is in particular responsible for the day-to-day administration of the EIT.
- (7) On the basis of Service Level Agreements, certain appointing authority powers of a technical nature could be sub-delegated by the Director to the services of the European Commission services, in particular to the Paymaster's Office or the Directorate-General for Human Resources and Security, notably when those services are not available within the EIT.
- (8) It is therefore necessary to adopt a decision delegating the relevant competences in the area of staff management to the Director,

**HAS DECIDED AS FOLLOWS:**

**Article 1**

This Decision concerns the exercise of the powers of the appointing authority and the authority authorised to conclude contracts of employment in respect of the staff of the EIT, except:

1. The Director of the EIT;
2. The appointment of the accounting officer.

**Article 2**

1. Within the limits of Article 1, the powers conferred by the Staff Regulations on the appointing authority and by the CEOS on the authority authorised to conclude contracts of employment shall be delegated to the Director of the EIT, except the adoption of implementing rules to give effect to the Staff Regulations and the CEOS.
2. The powers referred to in paragraph 1 are conferred on the Director of the EIT without prejudice to other competences of the Governing Board as provided for in the founding Regulation.
3. Decisions related to the extension of contract, termination of contract, appraisal and reclassification of the accounting officer shall be subject to approval of the Governing Board.
4. The powers referred to in paragraph 1 concerning Article 90(2) of the Staff Regulations are exercised by the Governing Board when the contested decision was taken at the level of the Director.

**Article 3**

1. The Director may sub-delegate, by way of a formal decision, the powers referred to in Article 1 to an official or a member of temporary staff by reference to appropriate criteria, such as their function group, position, and job assignment, which they hold in the EIT. In such case, the Director may not exercise him- or herself the power, unless he or she has taken back the sub-delegation by way of a formal decision.
2. Agents to whom powers are sub-delegated under paragraph 1 may be designated by their position in the EIT or *ad personam*.
3. The Director may, after approval of the Governing Board, sub-delegate relevant powers referred to in Article 1 to the services of the Commission.
4. The Director shall inform the Governing Board of such sub-delegations. Sub-delegations shall be carried out in writing and brought to the attention of the staff in a suitable form.

#### Article 4

Where a person to whom powers have been conferred pursuant to Article 2 or Article 3(1) is unable to act, those powers shall be exercised in accordance with the rules on deputising set out in the EIT's internal rules.

#### Article 5

1. Where exceptional circumstances so require the Governing Board of the EIT may, by way of a decision, decide to temporarily suspend the delegation of appointing authority powers to the Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Director. The delegate shall report to the Governing Board on the exercise of such delegation.
2. The powers referred to in paragraph 1 may then be sub-delegated as necessary, in which case Article 3 shall apply *mutatis mutandis*.
3. The suspension shall be decided in accordance with the following provisions:
  - a. before adopting a decision on suspension, the Governing Board shall carefully consider any possible impacts on the functioning of the EIT. The suspension shall be limited to the duration and extent necessary to achieve its objective;
  - b. the decision on suspension shall be taken according to the voting rules of the Governing Board provided for in the EIT founding Regulation;
  - c. the decision on suspension shall be communicated to the Director in writing and shall clearly define the powers being suspended, the exact duration of the suspension and any conditions thereto;
  - d. the decision on suspension shall automatically suspend any related sub-delegation, unless explicitly stated otherwise in the decision;
  - e. the decision on suspension shall specify who shall exercise the relevant powers during the period of suspension;
  - f. the decision on suspension shall be brought to the attention of staff in a suitable form.

#### Article 6

This Decision shall take effect on the day following that of its adoption. It shall be brought to the attention of the staff in a suitable form.

Done at Budapest on 9 June 2021

Gioia Ghezzi  
Chair of the Governing Board  
For the Governing Board of the EIT