

European Aviation Safety Agency

**DECISION N° 2005/02/A
OF THE EXECUTIVE DIRECTOR OF THE AGENCY
Of 29 April 2005**

**on general implementing provisions concerning the constitution of
a Staff Committee**

THE EXECUTIVE DIRECTOR OF THE EUROPEAN AVIATION SAFETY
AGENCY,

Having regard to Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (hereinafter referred to as "the Basic Regulation"), as amended, and in particular Article 20, thereof,

Having regard to the Staff Regulations of officials and the conditions of employment of other servants of the European Communities laid down by Council Regulation No 259/68 (EEC, Euratom, ECSC) of 29.02.1968 (OJ L 56, 4.3.1968 – Special Edition 1968, 1 December 1972, hereinafter referred to as "the Staff Regulations"), as amended, and in particular Article 9 and Article 1 of Annex II, thereof,

Has decided as follows:

CHAPTER I

**Establishing a Staff Committee for the European Aviation Safety
Agency**

Article 1

The European Aviation Safety Agency, hereafter called the Agency, shall have a Staff Committee that represents the interests of the staff vis-à-vis the Agency represented by the Executive Director in his capacity as the Appointing Authority, as defined in the Staff Regulations.

The Overall Objective of the Staff Committee

Article 2

The Staff Committee shall constitute and maintain a continuous link between the Agency and its staff in the areas of its competence.

The Areas of Competence of the Staff Committee

Article 3

1. The Executive Director shall seek the advice of the Staff Committee before taking a decision or amending an existing decision with respect to any staff rules, policies and related guidelines governing the implementing rules issued regarding the Staff Regulations, and in particular concerning
 - recruitment policies
 - performance assessment policies
 - promotion policies
 - training policiesor issues related to
 - health and safety policies
 - arrangements concerning the working environment and social welfare as provided by the Agency in the framework of its budgetary resources
2. The Executive Director shall inform the Staff Committee on the annual work programme planning and the preparation of the Agency's budget and on the draft annual accounts and final annual accounts.
3. The Executive Director shall inform the Staff Committee quarterly on the
 - financial status of the Agency
 - numbers of all categories of staff in place, staff movements and related planning
4. The Staff Committee may submit to the Executive Director suggestions and give its advice concerning the organization and operation of the Agency. It may also take initiative and make proposals for the improvement of the working conditions or the quality of professional life of Agency's staff members in general.

5. The Staff Committee is not competent to discuss issues related to an individual contract of employment.

The Consultation Procedure between the Executive Director and the Staff Committee

Article 4

1. The Staff Committee and the Executive Director shall meet once every three months and upon request of the Staff Committee or the Executive Director when need arises.
2. Before decision making concerning issues in the Staff Committee's competence, as described in article 3, the Executive Director shall send the necessary information to the Staff Committee for its examination.

The Staff Committee will give its opinion to the Executive Director within 15 working days after receipt of the said information, or if this day falls on a week-end or a public holiday, on the first working day thereafter.

3. The Executive Director shall respond to the proposals and initiatives made by the Staff Committee on the 15th calendar day after receipt thereof while in the office in person, or if this day falls on a week-end or a public holiday, on the first working day thereafter.
4. In case of urgent matters, the period, referred to in 2 and 3 above, may be shortened by a mutual agreement between the Chairman of the Staff Committee and the Executive Director.
5. All meetings will be recorded and the minutes, agreed in common, distributed to all staff latest on the fifth working day after the meeting.
6. The Executive Director may declare specific topics not public in order to protect the functioning and interest of the Agency, its client or other institutional partner.
7. The Staff Committee is bound in all its actions to respect the requirements of confidentiality of information received in the line of duty according to applicable provisions of the Staff Regulations.
8. The Staff Committee will organise every three months an all staff meeting where it will give a report of its meetings with the Executive Director and implementation of its work plan and will give the staff members an opportunity to make questions and proposals to the Staff Committee.

Composition of the Staff Committee and the Status of its Members

Article 5

1. The Staff Committee shall consist of five permanent members and five alternate members.
2. The Staff Committee shall elect by majority from among its members a Chairman, one Deputy Chairman and a Secretary.
3. The duties undertaken by members of the Staff Committee shall be deemed to be part of their normal service in the Agency and shall be taken into account in their annual objectives. The fact of performing such duties shall in no way be prejudicial to the person concerned.
4. The members of the Staff Committee may use the office facilities assigned to them for fulfilling the mandates of the Committee.
5. The Agency will set aside a mission budget for the Staff Committee for participation in the inter-agency coordination activities of the agencies' staff committees in the framework of the available budgetary resources.

Term of Office of the Staff Committee

Article 6

1. The term of office of the Staff Committee shall be three years.
2. The outgoing Staff Committee shall continue in office until a new Staff Committee takes office.
3. The term of office of a Staff Committee member or an alternate ceases upon the end of the term of office of the Staff Committee or upon the end of the contract of employment with the Agency.
4. A Staff Committee member may resign voluntarily by writing a reasoned letter of resignation to the Chairman of the Staff Committee.
5. A member that resigns from the Staff Committee during its term of office shall be replaced by his/her alternate member.
6. The first alternate member becoming a member shall be replaced by the eleventh highest scoring candidate from the list of certified election results, provided that he/she got at least ten votes. The further changes will be dealt with accordingly till the list of candidates who got at least 10 votes is exhausted.
7. When the number of the alternate members has fallen to two or less and the list of candidates who got at least 10 votes is

exhausted, the Executive Director will organise by-elections to fill in the empty alternate seats.

8. If this by-election fails the Staff Committee may remain in office as long as it has at least five full members but may also, for ensuring its optimal functioning, request the Executive Director to organise new Staff Committee elections within three months of such a request.

The Decision Making and Internal Working Procedures of the Staff Committee

Article 7

1. The Staff Committee shall form a quorum when at least the Chair or the Deputy Chair and three other members and/or alternates are present.
2. Decisions shall be taken by a simple majority of votes.
3. When and only if an even number of votes has been given, the vote of the Chair will count for two votes.
4. The Staff Committee shall adopt all other rules of procedure for its internal functioning and notify the staff and the Executive Director thereof in one month's time from starting in office.

CHAPTER II

Electoral Committee

Article 8

1. In two weeks' time from coming into force of this decision and thereafter three months before the end of the term of office of an existing Staff Committee the Executive Director will appoint an Electoral Committee.
2. The Executive Director invites those staff members that are not planning stand for the election to express their interest to serve in the Electoral Committee.
3. The Executive Director will appoint to the Electoral Committee a Chairman, a Deputy Chairman and two members.
4. They will supervise the voting activities and count the votes after the voting has been closed.

Election Date

Article 9

1. The first Staff Committee elections shall be organised not later than two months after appointment by the Executive Director of the first Electoral Committee and thereafter not later than one month before the end of the term of the Staff Committee in office.
2. The exact date for the voting and the arrangements for advance voting is determined in agreement between the Executive Director and the Chairman of the Electoral Committee.
3. The Electoral Committee may decide to organise the voting during one or two days taking into account the opinion of the staff members and practical arrangements.

Arrangements for the Voting

Article 10

1. A ballot-box and a voting area with sufficient privacy for casting the votes shall be installed in the Agency's headquarters.

2. The ballot shall be secret and take place during the normal office hours, including the lunch time.
3. A possibility for an advance voting will be organised by the Electoral Committee for those staff members that are not in the office on the date/ dates of vote.
4. When voting in advance the staff member seals the voting ballot in an unidentified envelope which is sealed in another envelope that bears his/her name.
5. The advance votes given using the double envelope system shall be registered in the list of eligible votes and be stored for the counting of the votes in a secure archive under the responsibility of the Electoral Committee Chair.

Eligibility to Vote and to Stand as a Candidate for the Staff Committee

Article 11

1. Staff members whose contract is of a duration of more than one year and is valid on the last day of the election shall be entitled to vote and stand for election.
2. Staff members whose contract is for no more than one year and is valid on the last day of the election and who have been employed for at least six months shall be entitled to vote but not to stand for election.
3. The Chairman of the Election Committee will invite the interested staff members to stand for election latest 20 working days before the election.
4. Candidates must express their intention to stand as a candidate in writing to the Chairman of the Electoral Committee, no later than 10 working days before the confirmed date of the election.
5. The list of candidates will be published no later than one working day after the closing date for expression of interest.

Voting Procedure

Article 12

1. Each voting staff member's eligibility to vote will be checked against the master list of eligible staff. There will be two lists produced from the master list that are used: one only for the advance voting and the other one only for the regular voting. Both lists shall be signed on every page by each member of the Electoral Committee and stamped on each page by an official Agency stamp before the voting starts. Each list is clearly marked for either advance voting or the regular voting.
2. Every staff member wishing to vote has to present as the only means of identification his official staff member badge with the picture and staff number, notwithstanding his or her position in the Agency or his or her years of service.
3. The Electoral Committee will give voters a ballot paper containing the list of candidates in an alphabetical order.
4. Every voter must give a numeric vote of priority between 1 and 5 to - and only - to five candidates in a box next to the name of the candidate using each of the numbers 1-5 only once. 5 shall be the highest numeric vote of priority.
5. A ballot-paper containing more than 5 votes, containing the same priority number given more than once or bearing signs which would clearly identify the voter shall be considered invalid. Also any other marks or comments after than the priority numbers 1-5 shall render the ballot-paper invalid.
6. The election will only be valid if the number of given ballots corresponds to two thirds of the number of staff who are eligible to vote.
7. If the election is not valid due to a number of ballot papers being not reaching two thirds of the number of staff who are eligible to vote, a second vote shall be organised within 20 working days.
8. The re-run of the election is valid if the number of the ballots corresponds to 50% plus one of the number of staff who are eligible to vote.

Counting the Votes

Article 13

1. The Chairman of the Electoral Committee shall organise the counting of the votes on the first day after the elections.
2. The advance votes, still unopened in the envelope bearing the name of the staff member, are checked against the records on the list of eligible staff members used for advance voting.
3. The two voting lists are then compared to eliminate double voting. If there is a case of double voting, the advance vote will be isolated and archived together with the documentation for the election.
4. The envelopes are then opened and the unmarked envelopes are mixed with the other ballot papers in order to count the total number of ballot papers against the records made on the two voting lists. When there are ballot papers missing against the voting lists the same procedure as under Article 14 (6) shall be used.
5. The unmarked envelopes are thereafter opened and the ballot papers first mixed with and only then checked among all the other ballot papers for validity and for counting the votes.
6. All candidates shall be ranked according to the number of votes they receive.
7. The five persons with the highest vote will automatically become members of the Staff Committee.
8. The next highest ranking five candidates will be appointed as the alternate members.
9. If two or more candidates receive the same number of votes, priority will be given
 - first to the candidate representing a category/group of staff that otherwise would not be represented in the Staff Committee: 1) Official/TA-Administrators, 2) Official/TA-Assistants, 3) Contract Agents/ Auxiliary Agents, 4) other staff members with a contract of employment with the Agency
 - secondly to the candidate representing the gender that otherwise would have the minority in the committee, taking into account the total number of members and alternate members
 - thirdly to the candidate with the highest seniority in terms of total months of service in EASA, taking into account all types of contracts held to that date.

Publication of the Results

Article 14

1. The Chairman of the Electoral committee shall inform the Executive Director and all staff members of the draft results of the vote latest on the second working day after the vote.
2. Any staff member eligible to vote may submit a substantiated written complaint to the Executive Director, during five working days following the publication of the outcome of the election if he/she finds that the election was not fair and regular.
3. If no complaint was presented to him during these five days the Executive Director will confirm the election result by informing the Chairman of the Electoral Committee and all staff.
4. The Executive Director will notify his conclusions concerning any possible complaint latest on the fifth working day from the date on which the complaint was lodged.
5. If he has reasons to conclude that the election was not fair and regular he shall cancel the results, appoint a new Electoral Committee within one month and call for new elections within the deadlines described in this decision.
6. If the Executive Director concluded –due to a reasoned complaint- that there was possibly an unintentional mistake while calculating the votes he may ask the Electoral Committee to recount the votes in the presence of the five candidates that got the highest vote according to the draft results and any other interested staff member.
7. The Election Committee shall inform the Executive Director about the new result, who shall publish these results as final ones unless during five days of the publication a further complaint is made against the result. If a reasoned complaint was again filed against the second result, the Executive Director shall cancel the elections and organise new ones as described in paragraph 5 of this article.

Coming into Force of this Decision

Article 15

This decision shall enter into force on the day following that of signature by the Executive Director.

Done at Cologne, 29th April 2005

P. GOUDOU