

## Implementing Rules to the Staff Regulations

Action requested of the Management Board	
Take note of this cover document:	MB/10/2024
<b>Adopt</b>	a decision to request the Commission's agreement to derogate from the "Commission Decision C(2023) 8630 of 12.12.2023 on the prevention of and fight against psychological and sexual harassment" in view of adopting different rules.
<b>Adopt</b>	the Commission Decision C(2024) 1038 amending 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, by analogy

### Background on the procedure

The EU Staff Regulations, applicable to ECHA, state that Implementing Rules (IRs), once adopted by the European Commission, will apply by analogy in Agencies at the latest 9 months after they were notified<sup>1</sup>. Alternatively, Agencies may decide to either apply the IRs earlier or decide to opt-out, individually or in agreement with the other Agencies and the Commission's DG HR. To ensure a coherent approach among Agencies, a Standing Working Party ('SWP') has been established, comprised of representatives from EU Agencies and the Commission's Directorate General HR, to review Commission IRs and assess whether they require adaptation to the specific needs of EU Agencies. If the SWP agrees on the need for specific Agencies' rules, it advises the individual Agencies to opt-out from the respective Commission rules and avail of the Agencies' version ('model decision'), which are drafted in cooperation with DG HR.

### For opt out: Commission Decision on the prevention of and fight against psychological and sexual harassment – proposal for an opt-out in view of an upcoming model decision for EU agencies

The ECHA rules on harassment prevention (MB/42/2012/D (2) final of 19 November 2012) reflect the previous Commission rules. The new Commission rules concerning the prevention of, and fight against, harassment (both psychological and sexual) entered into force in December 2023, repealing Decision C(2006)1624/3 and the "Corrigendum C(2024) 2878 final" was adopted in April 2024 to correct clerical errors.

<sup>1</sup> Pursuant to Article 110(2) of the Staff Regulations.

Public

**74<sup>th</sup> MB meeting, 19 June 2024**

19 June 2024

The main elements in the new Commission rules are as follows:

- The introduction of a Chief Confidential Counsellor (CCC) within the Directorate-General for Human Resources and Security, whose functions are to coordinate the confidential counsellors, assign them to alleged victims and inform alleged victims;
- Changes in the autonomy of the confidential counsellors;
- Revised preventive measures to prevent harassment, and regular surveys on the prevalence of psychological and sexual harassment;
- The establishment of “temporary listening structures” and interim protective measures;
- Measures to prevent conflicts of interests of confidential counsellors;
- Various assistance measures.

While the new Commission decision presents some aspects that may be fit for Agencies, the emphasis placed on the role of Chief Confidential Counsellor as main point of contact does not seem appropriate for an Agency, where the number of confidential counsellors is limited and the volume of interactions with confidential counsellors and of informal/formal procedures is much lower than at the Commission. In addition, it may not be optimal, in an organisation the size of ECHA to limit the possibility of staff members to freely choose the confidential counsellor they wish to talk to.

Therefore, following a thorough assessment of the new model decision and consultation with ECHA’s Staff Committee, it is considered preferable to align with a model decision currently being drafted by the SWP.

**For adoption by early analogy: Commission Decision C(2024) 1038 on the general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on the transfer of pension rights**

The IR’s Annex updates the coefficients for converting outgoing amounts from the EU pension scheme or incoming amounts from other (national and/or private) pension schemes for staff members, depending on their age, into a retirement pension under the EU pension scheme. It is proposed to adopt this technical decision, by early analogy, as pension calculations are handled by the Commission’s Paymaster Office (PMO), which does not permit a margin of discretion for ECHA to deviate from the rules.