



**DECISION OF THE GOVERNING BOARD OF SMART NETWORKS AND SERVICES
JOINT UNDERTAKING No 14/2023**

of 17/07/2023

delegating to the Executive Director of the Smart Networks and Services Joint Undertaking 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,

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 259/68¹, and in particular Articles 2 (1), 110 (2) of the Staff Regulations and Article 6 of the CEOS,

Having regard to Council Regulation (EU) 2021/2085 of 19 November 2021 establishing the Joint Undertakings under Horizon Europe (hereinafter 'founding Regulation')², and among them the Smart Networks and Services Joint Undertaking (hereinafter 'the SNS JU'), and in particular Articles 17(2)(h) and 17(4) of that Regulation,

Having regard to the Governing Board Rules of Procedure of the SNS JU, and in particular Article 10,

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations³,

Having regard to the fact that the Staff Committee of the SNS JU, which is to be consulted pursuant to Article 110(2) of the Staff Regulations, has not yet been constituted because the SNS JU has not sufficient staff yet, it is impossible at the present to comply with the requirements of that provision. The Staff was informed and the Staff Committee will be invited to give its opinion on these implementing rules when it has been constituted and due consideration will be given to its opinion. The Governing Board is entitled in such circumstances to approve the rules forthwith,

WHEREAS:

¹ OJ L 56, 4.3.1968, p. 1.

² Council Regulation (EU) 2021/2085 of 19 November 2021 establishing the Joint Undertakings under Horizon Europe and repealing Regulations (EC) No 219/2007, (EU) No 557/2014, (EU) No 558/2014, (EU) No 559/2014, (EU) No 560/2014, (EU) No 561/2014 and (EU) No 642/2014 (OJ L 427, 30.11.2021, p. 17).

³ Commission Decision C(2023) 4805 of 11 July 2023.

- (1) By virtue of Article 17(2)(h) of 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 Joint Undertaking.
- (2) Pursuant to Article 17(4) of the founding Regulation, the Governing Board adopts, 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 relevant appointing authority powers to the Executive Director and defining the conditions under which that delegation of powers can be suspended. The Executive Director is authorised to sub-delegate those powers and should inform the Governing Board of such sub-delegations;
- (3) Pursuant to the sixth subparagraph of Article 110 (2) of the Staff Regulations, and Article 17(2)(v) of the founding Regulation, the Governing Board is to adopt, in agreement with the Commission, implementing rules to the Staff Regulations and the CEOS;
- (4) Decisions on the daily management of the Joint Undertaking, and in particular decisions in individual staff matters need to be taken at the most appropriate level;
- (5) The Executive Director manages the Joint Undertaking and is in particular responsible for the day-to-day administration of the Joint Undertaking;
- (6) On the basis of Service Level Agreements, certain appointing authority powers of a technical nature could be sub-delegated by the Executive 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 Joint Undertaking.
- (7) It is therefore necessary to adopt a decision delegating the relevant competences in the area of staff management to the Executive 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 Joint Undertaking, except:

1. the Executive Director of the Joint Undertaking;
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 are delegated to the Executive Director of the Joint Undertaking, except for 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 Executive Director of the Joint Undertaking without prejudice to other competences of the Governing Board as provided in the founding Regulation.
- (3) In case the Accounting Officer is a staff member of the Joint Undertaking, decisions related to the selection, extension of contract, termination of contract, appraisal and reclassification of the Accounting Officer shall be subject to approval by the Governing Board, in accordance with Article 25(1) of the SNS JU Financial Rules.
- (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 Executive Director.

Article 3

- (1) The Executive Director may sub-delegate, by way of a formal decision, the powers referred to in Article 1 to a member of temporary staff by reference to appropriate criteria, such as their function group, position, and job assignment, which they hold in the Joint Undertaking. In such case, the Executive Director may not exercise himself 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 Joint Undertaking or ad personam.
- (3) The Executive Director, may sub-delegate the relevant powers referred to in Article 1 to the services of the Commission. The sub-delegation shall be carried out in writing and brought to the attention of the staff.
- (4) The Executive Director shall inform the Governing Board of such sub-delegations. Sub-delegations shall be brought to the attention of the staff in a suitable form.

Article 4

- (1) Where a person to whom powers have been conferred pursuant to Article 2 or under paragraph 1 of Article 3(1) is unable to act, those powers shall be exercised in accordance with the rules on deputising set out in the Joint Undertaking's internal rules.
- (2) The person exercising the deputising role may exercise the powers conferred on the Executive Director within the limits required by ensuring business continuity in the operation and the day-to-day management of the Joint Undertaking, without impairing the powers conferred on the Executive Director in the provisions governing that role.

Article 5

- (1) Where exceptional circumstances so require, the Governing Board may, by way of a decision, temporarily suspend the delegation of appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise itself these powers or delegate them to one of the Governing Board members or to a staff member of the Joint Undertaking other than the Executive Director.

- (2) These powers 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 Joint Undertaking. 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 provided for in the SNS JU Governing Board Rules of Procedure ;
 - c) the decision on suspension shall be communicated to the Executive 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 5

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 Brussels, on 17/07/2023,

For the Governing Board
(signed)

Colin Willcock
Chairperson of the Governing Board