



European
Global Navigation
Satellite Systems
Agency

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ADOPTED
by the GSA Administrative Board

European GNSS Agency

62nd Meeting of the Administrative Board

Prague, 27 October 2020

**Implementing Rules on the application by analogy of Commission Decision
C(2020) 1559 of 16 March 2020**



DECISION OF THE ADMINISTRATIVE BOARD OF THE GSA OF 27 OCTOBER 2020

Implementing Rules on the application by analogy of Commission Decision C(2020) 1559 of 16 March 2020

THE ADMINISTRATIVE BOARD OF THE EUROPEAN GNSS AGENCY (hereinafter referred to as the "GSA"),

HAVING REGARD to Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council, in particular Article 18 thereof;

HAVING REGARD to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union (CEOS) laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, and in particular Articles 57, 58 and 61 of the Staff Regulations and Annex V thereto, and Articles 16 and 91 of the CEOS;

HAVING REGARD to the opinion of the Staff Committee;

HAVING REGARD to the agreement of the European Commission under Article 110 of the Staff Regulations;

Whereas:

- (1) On 19 March 2020, the European Commission notified to the GSA Commission Decision C(2020) 1559 of 16 March 2020 amending Decision C(2013) 9051 of 16 December 2013 on leave.
- (2) The above-mentioned implementing rule shall apply by analogy to the agencies either nine months after the date of the Commission's notifications, or by decision of the Administrative Board at an earlier date.
- (3) It is appropriate that the Administrative Board adopts these implementing rules as of the date of the present decision.



HAS DECIDED AS FOLLOWS:

Article 1

The Commission Decision C(2020) 1559 of 16 March 2020 amending Decision C(2013) 9051 of 16 December 2013 on leave shall apply by analogy to the GSA as of entry into force of the present decision.

Article 2

The present Decision shall enter into force on 27 October 2020.

Done in Prague, on 27 October 2020

For the GSA Administrative Board

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Alberto Tuozi

Acting Chair of the Administrative Board



EUROPEAN
COMMISSION

Brussels, 16.3.2020
C(2020) 1559 final

COMMISSION DECISION

of 16.3.2020

amending Decision C(2013) 9051 of 16 December 2013 on leave

COMMISSION DECISION

of 16.3.2020

amending Decision C(2013) 9051 of 16 December 2013 on leave

THE EUROPEAN COMMISSION,

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

Having regard to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union (CEOS), originally laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68,¹ and in particular Articles 57 and 58 of the Staff Regulations and Annex V thereto, and Articles 16 and 91 of the CEOS,

Having regard to the opinion of the Central Staff Committee, issued on 23 September 2019,

Whereas:

- (1) Under the Staff Regulations, the arrival of a newborn child in a household following a birth or adoption entitles an official to maternity leave or special leave for adoption so that at least one of the parents can fully care for the child.
- (2) Experience has shown that, in the light of developments in reproductive medicine, laws on procreation and parenthood and the societal context, in some cases of parenthood the conditions for maternity or adoption leave to be granted were not met when a newborn child arrived in a household.
- (3) The Staff Regulations allow the Appointing Authority to grant special ad-hoc leave in order to take certain specific circumstances into account. On this basis, special leave to take into account the circumstances described in recital (2) has already been granted by the Appointing Authority in the past with the aim of safeguarding the child's overriding interest and ensuring inclusive interpretation of the statutory provisions.
- (4) This special leave also applies to single parents.
- (5) The duration of this special leave should be the same as that of maternity or adoption leave.

HAS DECIDED AS FOLLOWS:

Article 1

In the Annex to Decision C(2013) 9051, the following point II.a.13a is added:

‘II.a.13s Arrival in the household of a new-born child

Conditions for the granting of leave

¹ OJ L 56, 4.3.1968, p. 1. .

When a child is born and is then received by a staff member into his/her household, special leave equivalent to special leave for adoption shall be granted to the staff member where neither he/she nor his/her partner meets the conditions to benefit from maternity leave.

The term ‘child’ in the above paragraph means a dependent child within the meaning of the first and second paragraphs of Article 2(2) of Annex VII to the Staff Regulations, as well as a child for whom an official procedure for the recognition of paternity or maternity or equivalent procedure has been initiated.

This leave shall start at the earliest one week before the expected date of the birth and at the latest one week after the day on which the child is born.

Notwithstanding the above criteria, the arrangements applying to special leave for adoption shall apply *mutatis mutandis*.

Where such special leave has been granted and the child is later adopted by either or both spouses, no special leave shall be granted for the adoption of that child.

Supporting documents

When applying for special leave, the staff member shall submit a sworn statement to the administration, describing the steps taken that demonstrate the intention to become a parent.

Following the birth, the staff member shall supply all the documents relating to the official steps taken to establish the paternity or maternity relationship with the child, without delay and within six months at the latest’.

Article 2

The implementation of the provisions relating to special leave for the arrival in the household of a newborn child will be assessed within two years following his or her adoption; where applicable, corrective measures may be envisaged. The staff representatives will be able to provide any information they consider useful for carrying out that assessment.

Article 3

The decision shall take effect on the day after its adoption.

Done at Brussels, 16.3.2020

*For the Commission
Johannes HAHN
Member of the Commission*