COUNCIL DECISION (EU) 2021/1027

of 22 June 2021

entrusting to the European Commission – the Office for the Administration and Payment of Individual Entitlements (PMO) – the exercise of powers conferred on the appointing authority and the authority empowered to conclude contracts of employment relating to the insurance against the risk of occupational disease or accidents

THE COUNCIL 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, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 ([1]), and in particular Article 2(2) of those Staff Regulations and Article 6 of those Conditions of Employment,

Having regard to Council Decision (EU) 2017/262 of 6 February 2017 determining, for the General Secretariat of the Council, the appointing authority and the authority empowered to conclude contracts of employment, and repealing Decision 2013/811/EU ([2]),

Whereas:

(1) Officials and other servants of the European Union are insured against the risk of occupational disease or accidents under Article 73 of the Staff Regulations of Officials of the European Union ('the Staff Regulations') and Articles 28 and 95 of the Conditions of Employment of Other Servants of the European Union ('the Conditions of Employment'). Pursuant to Article 73 of the Staff Regulations, the conditions of that insurance are set out in common rules drawn up by common agreement of all the institutions recorded by the President of the Court of Justice of the European Union on 13 December 2005.

(2) The Office for the Administration and Payment of Individual Entitlements (PMO) of the European Commission is responsible for the administration and payment of financial entitlements of staff of the Commission and, by way of service-level agreements (SLAs), certain other Union institutions and bodies.

(3) Under the SLA concluded between the PMO and the General Secretariat of the Council (GSC) on 3 May 2019, the PMO is responsible for the administration and payment of individual entitlements, pension rights and unemployment benefits for GSC staff. In those fields, the PMO exercises certain powers of the appointing authority and the authority empowered to conclude contracts of employment pursuant to Council Decision (EU) 2019/792 ([3]).

(4) The SLA of 3 May 2019 provides, inter alia, that the scope of services offered by the PMO may be extended to cover the management of insurance against the risk of occupational disease or accidents of GSC staff. Given that the conditions concerning that insurance are common to all the institutions and that the PMO has the necessary capacities and experience, it is appropriate to entrust such services to the PMO.

(5) In order for the transfer of such services to be effective, the exercise of relevant powers conferred on the appointing authority and on the authority empowered to conclude contracts of employment for GSC staff should be entrusted by the Council to the PMO.

([1]) OJ L 56, 4.3.1968, p. 1.
([2]) OJ L 39, 16.2.2017, p. 4.
([3]) Council Decision (EU) 2019/792 of 13 May 2019 entrusting to the European Commission – the Office for the Administration and Payment of Individual Entitlements (PMO) – the exercise of certain powers conferred on the appointing authority and the authority empowered to conclude contracts of employment (OJ L 129, 17.5.2019, p. 3).

(6) In order to ensure legal certainty for GSC staff, it should be made clear that requests and complaints relating to insurance against the risk of occupational disease or accidents are to be lodged with the Commission. For the same purpose, it should be made clear that related appeals to the Court of Justice of the European Union are to be made against the Commission,

HAS ADOPTED THIS DECISION:

Article 1

1. The exercise of powers conferred by the Staff Regulations on the appointing authority and by the Conditions of Employment on the authority authorised to conclude contracts of employment, as regards GSC staff, is entrusted to the Office for the Administration and Payment of Individual Entitlements (PMO) of the European Commission, in relation to the application of Article 73 of the Staff Regulations and Articles 28 and 95 of the Conditions of Employment.

2. Requests and complaints relating to the matters referred to in paragraph 1 of this Article shall be lodged with the appointing authority or the authority empowered to conclude contracts of employment of the Commission pursuant to Article 90c of the Staff Regulations and Articles 46 and 117 of the Conditions of Employment, respectively. Appeals to the Court of Justice of the European Union relating to the matters referred to in paragraph 1 of this Article shall be made against the Commission pursuant to Article 91a of the Staff Regulations and Articles 46 and 117 of the Conditions of Employment.

Article 2

This Decision shall enter into force on 1 July 2021.

Done at Luxembourg, 22 June 2021.

For the Council
The President
A. P. ZACARIAS