



**Decision No 1/2020
of 19 February 2020
of the Management Board
on pre-school facilities costs for children of ELA staff**

THE MANAGEMENT BOARD OF THE EUROPEAN LABOUR AUTHORITY,

Having regard to Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing the European Labour Authority amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344¹ (hereinafter “the founding Regulation” and “the Authority”),

Having regard to the Staff Regulations of Officials (hereinafter ‘Staff Regulations’) and the Conditions of Employment of Other Servants of the European Union (hereinafter ‘CEOS’) laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council², and in particular article 1(e) thereof,

Having regard to Communication C(2014)6543 final of 26 September 2014 from Vice-President Šefčovič to the Commission on the guidelines on the implementation of Article 110(2) of the Staff Regulations with regard to the implementing rules applicable in the agencies, and in particular Point 2.B thereof,

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations Commission Decision C(2018) 2542 of 24 April 2018,

After informing the staff,

Whereas:

1. The Authority needs to employ and retain staff of the highest standards of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of EU Member States;
2. In the area of the seat of the Authority there is no European pre-school centre that could be attended and education is available only on a private basis being more expensive than the cost staff members can cover with the education allowance foreseen under Annex VII of the Staff Regulations;
3. Staff members of the Authority are therefore disadvantaged for not being to avail their children with education in a multicultural environment, as it is mostly the case where close to the place of employment there is a European pre-school centre;
4. A measure of social nature is needed to pair the unequal working conditions to which the staff of the Authority is subject to, compared with other staff working for other EU institutions and bodies.

¹ OJ L 186, 11.7.2019, p.21 .

² OJ L 56, 4.3.1968, p.1.

HAS DECIDED AS FOLLOWS:

Article 1

Definition

By childcare facilities is meant crèches and other childminding establishments.

Article 2

Access to the special measure

- 1) All staff members of the European Labour Authority and Seconded National Experts, with a contract duration of at least one year, with place of employment in the seat of the Authority in Bratislava shall have access to this special measure, with regard to their dependent children within the meaning of Article 2(2) of Annex VII to the Staff Regulations. To fully enjoy this right, the children shall have joined the staff member in changing the residence to fully respect Article 20 of the Staff Regulations.
- 2) If custody of a child of a European Labour Authority staff member has been entrusted, by law, court order or administrative decision, to another person after the child having been admitted to one of the educational institutions of the region of the seat of the Authority, the child shall continue to be regarded as dependent child under the previous paragraph, if the child continues to be educated in the same school or any school of the region of the seat of the Authority.

Article 3

Procedure

- 1) The Authority will conclude service contracts with surrounding childcare establishments in Bratislava or at no greater distance therefrom as is compatible with the proper performance of the staff member's duties.
- 2) Registration of any staff member's children with any educational institution shall be the result of such staff member's sole choice and therefore participation of such staff member's children in such educational institution (including any activity undertaken by such children in that context) shall be under the sole responsibility of such staff member, who shall agree to waive any claims against the Authority in that respect and hold the Authority harmless of any such claims. The European Labour Authority shall not have or be expected to have any duty of verifying any aspects of educational institutions with which it signs direct agreements, whether in terms of quality, suitability, health, safety, security or otherwise.

Article 4
Eligible costs

The Authority will pay all the childcare fees and therefore the childcare establishment will be considered as non-fee paying. In this case, the staff member concerned will not receive the education allowance provided for in Article 3 of Annex VII of the Staff Regulations.

The costs covered by the Authority shall be:

- 1) The registration and attendance fees at the childcare facilities;
- 2) The transport costs;

excluding all other costs (i.e. meals).

Article 5
Implementation

The Executive Director of the Authority shall proceed with the necessary actions for the implementation of this decision.

Article 6
Entry into force

This decision shall enter into force on the day following the date of its adoption.

Done by written procedure
Brussels, 19/02/2020
For the Management Board

Tom BEVERS
Chairperson of the Management Board