



**Decision No 2/2020
of 19 February 2020
of the Management Board
on education costs for children of European Labour Authority 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. Staff members of EU Institutions, including Agencies, enjoy free access to European schools (school fees and transport included), where available, under the condition they have a contract of at least one year;
3. The average costs covered by the EU budget per pupil at a European school is approximately EUR 10 500 while the maximum reimbursement for education allowance foreseen by the Staff Regulations covering the costs of attendance of a pupil per year of any school where no European school is available, is approximately EUR 6 000;
4. European schools provide multilingual tuition in the official languages of the European Union and offer European Baccalaureate recognised in all Member States;

¹ OJ L 186, 11.7.2019, p.21 .

² OJ L 56, 4.3.1968, p.1.

5. In the area of the seat of European Labour Authority there is no European school that could be attended free of charge and education is available only on a private basis, being therefore more expensive than the cost staff members can cover with the double education allowance foreseen in the Annex VII of the Staff Regulations;
6. Staff members of the Authority are therefore disadvantaged for not being able to offer their children an education in their mother tongue compared to staff members of other EU institutions and bodies where there is a European School close to their place of employment;
7. 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;
8. When providing support to cover tuition fees, the Authority shall respect the principle of the sound financial management, namely the principles of economy, efficiency and effectiveness;
9. In line with the above-mentioned principles, the support for the tuition for staff members' children can be provided only within the limits of the budget affordability and while respecting the principle of reasonableness of level of tuition fees.

HAS DECIDED AS FOLLOWS:

Article 1

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 staff member of the Authority 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 2
Procedure

- 1) The Authority will conclude service contracts with the international schools in Bratislava or at no greater distance therefrom as is compatible with the proper performance of staff member's duties. In this respect, the Authority will make a market survey and will negotiate the fees of the school establishments.
- 2) Staff members wishing to enrol their child or children in an educational institution with which the Authority has signed an agreement shall fill in the form dedicated to this end (in Annex I).
- 3) Staff members wishing to enrol their child or children in an educational institution with which the Authority has not yet signed a direct agreement shall send a written request to the Head of Administration explaining why no other educational institution with a direct agreement would be suitable to cover their need for an education. The request should be based on exceptional circumstances. If the request is approved by the Executive Director, the HR service of the Authority shall verify the eligibility of the educational institution and undertake appropriate steps for the preparation and signature of a direct agreement according to Article 1.
- 4) 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.
- 5) The Authority shall only pay fees from the month in which the staff member has started his/her contract at the Authority. For Staff Members starting their contract during a school year, ELA shall only pay a pro-rata rate for tuition fees.
- 6) Staff members shall cease to benefit from any direct agreement and this social measure once the respective child no longer fulfils the definition of dependent child within the meaning of Article 2(2) of Annex VII to the Staff Regulations. Staff members have an obligation to inform the HR service of the Authority thereof in due time.

Article 3
Eligible costs

The Authority will pay all the school fees and therefore the school 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:

- a) The registration and attendance fees at international schools
- b) The transport costs

Excluding all other costs as described in the Commission decision C(2004)1313-53 on general implementing provisions for the grant of the education allowance.

Article 4
Implementation

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

Article 5
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

ANNEX I

**REQUEST FOR BENEFITING FROM THE SOCIAL MEASURE
“EDUCATION COSTS FOR CHILDREN OF EUROPEAN LABOUR AUTHORITY STAFF”**

In accordance with Article 2 of Decision No 2/2020 of 19/02/2020 of the Management Board on Education Costs for Children of European Labour Authority Staff,

Mr./Ms. First name LAST NAME, date of birth xx.xx.xxxx, personnel number xxxxxx (the “Staff Member”)

hereby declares that he / she has the following dependent child / children within the meaning of Article 2(2) of Annex VII of the Staff Regulations with below mentioned need for education:

Surname and name	Date of birth	Language(s) of education	Selected educational institution with Direct agreement	Starting date at the educational institution

The Staff Member confirms:

- to have been informed about the content of the direct agreement between the European Labour Authority (hereinafter ‘the Authority’) and the selected school;
- to have been informed about the content of the Implementing Rules;
- to have been informed about the liability waiver applying with respect to the support provided by the Authority through direct agreement with educational institutions (as described under Article 2(4) of the Decision No 2/2020 of the Management Board) and to expressly accept such waiver. The Staff Member hereby in particular expressly waives any claims against the Authority with respect to or in connection with such direct agreement or any part of his/her child’s or children’s activities under, as a result of or in connection with such direct agreement or their enrolment in the educational institution. The Staff Member agrees to hold the Authority harmless of any such claims;
- to be aware of his/her rights and duties stated in the Implementing Rules.

Date and Staff Member’s Signature:

Acknowledgment of receipt by HR service: