

26 JUN 2023

MANAGEMENT BOARD

**DECISION OF THE MANAGEMENT BOARD OF EUROPOL  
on the early entry into force at Europol of Commission Decision C(2022)  
1715 of 24 March 2022 on home leave for officials, temporary staff and  
contract staff serving in a third country and repealing Commission  
Decision C(2013) 9035 final of 16 December 2013**

THE MANAGEMENT BOARD OF EUROPOL,

Having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA ('Europol Regulation')<sup>1</sup>, as amended by Regulation 2022/991 of the European Parliament and of the Council of 8 June 2022 as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role in research and innovation<sup>2</sup>, and in particular Article 11(1)(h) thereof,

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS') laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>3</sup>, and in particular Article 110(2) thereof,

Having regard to Commission Decision C(2022) 1715 of 24 March 2022 on home leave for officials, temporary staff and contract staff serving in a third country and repealing Commission Decision C(2013) 9035 final of 16 December 2013<sup>4</sup>,

After consulting the Staff Committee,

WHEREAS:

- (1) Pursuant to Article 110(2) of the Staff Regulations, implementing rules adopted by the Commission to give effect to the Staff Regulations, including the general implementing provisions referred to in paragraph 1 of the same article, shall apply by analogy to the agencies.
- (2) Such implementing rules shall enter into force at the agencies nine months after their entry into force at the Commission or nine months after the date on which the Commission informed the agencies of the adoption of the respective implementing rule, whichever is later. Notwithstanding the foregoing, an agency may also decide that such implementing rules are to enter into force at an earlier date.
- (3) On 24 March 2022, the Commission adopted its Decision C(2022) 1715 on home leave for officials, temporary staff and contract staff serving in a third country and repealing Commission Decision C(2013) 9035 final of 16 December 2013. It took effect at the Commission on 1 January 2022.

<sup>1</sup> OJ L 135, 24.5.2016, p. 53.

<sup>2</sup> OJ L 169, 27.6.2022, p. 1-42.

<sup>3</sup> OJ L 56, 4.3.1968, p. 1.

<sup>4</sup> EDOC #1230487v1.

- (4) These implementing provisions are suitable for the needs of Europol, as Europol assigned staff members outside the European Union and it already applies by analogy Commission Decision C(2013) 9035 of 16 December 2013 on home leave for officials, temporary agents and contract agents posted in third countries (second paragraph of Article 7 Annex V to the Staff Regulations).
- (5) In order to ensure their application as from the beginning of the upcoming calendar year, such implementing provisions shall apply by analogy and shall enter into force at Europol before the end of the nine-month period foreseen by Article 110(2) of the Staff Regulations, that is on 1 January 2023.
- (6) For reasons of clarity and legal certainty, the Decision of the Management Board of Europol of 22 May 2014 on the entry into force at Europol of implementing rules adopted by the Commission to give effect to the Staff Regulations<sup>5</sup> shall be repealed insofar as it renders the Commission Decision C(2013) 9035 of 16 December 2013 on home leave for officials, temporary agents and contract agents posted in third countries (second paragraph of Article 7 Annex V to the Staff Regulations)<sup>6</sup> applicable to Europol,

HAS DECIDED AS FOLLOWS:

**Article 1**  
**Application by analogy**

The Commission Decision C(2022) 1715 of 24 March 2022 on home leave for officials, temporary staff and contract staff serving in a third country and repealing Commission Decision C(2013) 9035 final of 16 December 2013 shall apply by analogy to Europol.

**Article 2**  
**Repeal**

Point 9 of the Annex to the Decision of the Management Board of Europol of 22 May 2014 on the entry into force at Europol of implementing rules adopted by the Commission to give effect to the Staff Regulations is hereby repealed.

**Article 3**  
**Entry into force**

This Decision shall enter into force on 1 January 2023. It shall be published in the Europol *Vademecum*.



Done at The Hague on 11 October 2022,

For the Management Board,

Šárka Havránková  
Deputy Chairperson of the Management Board

<sup>5</sup> EDOC #715831v3A.

<sup>6</sup> EDOC #701786v2.