Council of the
European Union

Brussels, 16 December 2019
(OR. en)

14742/19

Interinstitutional File:
2019/0224 (NLE)

COPEN 467
JAI 1288
EUROJUST 208
EJN 108

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL IMPLEMENTING DECISION on a mechanism for compensating the Member State whose national member is elected President of Eurojust

COUNCIL IMPLEMENTING DECISION (EU) 2019/…

of …

on a mechanism for compensating the Member State whose national member is elected President of Eurojust

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA[1], and in particular Article 12 thereof,

Having regard to the proposal from the European Commission,

[1] OJ L 295, 21.11.2018, p. 138.

Whereas:

(1) In accordance with Regulation (EU) 2018/1727 and the Rules of Procedure of Eurojust, the national member elected President of Eurojust has additional functions.

(2) The carrying out of the functions of President of Eurojust affects the workload of the deputy and Assistant from the Member State whose national member was elected President, and the Member State concerned may choose to second another suitably qualified person to reinforce the national desk for the duration of the President's term of office.

(3) Article 11(7) of Regulation (EU) 2018/1727 provides *inter alia* that, in those cases where another suitably qualified person is seconded, the Member State concerned is entitled to apply for compensation.

(4) A mechanism for compensation should ensure the equality of treatment regarding the actual reimbursement of living costs and other associated expenses between a national member elected President and another suitably qualified person seconded by the Member State concerned.

(5) Denmark is not bound by Regulation (EU) 2018/1727 and is therefore not taking part in the adoption and application of this Decision, which implements Regulation (EU) 2018/1727.

(6) Ireland and the United Kingdom are bound by Regulation (EU) 2018/1727 and are therefore taking part in the adoption and application of this Decision, which implements Regulation (EU) 2018/1727,

HAS ADOPTED THIS DECISION:

Article 1

1. A Member State whose national member has been elected President of Eurojust and which has seconded another person to its national desk for this reason, and so is entitled under Article 11(7) of Regulation (EU) 2018/1727 to apply for compensation to the College of Eurojust ('the College') for that other person, shall include in its application the following information:

   (a) the decision of the Member State concerned on the secondment of that person;

   (b) the justification for the need to reinforce its national desk on grounds of an increased workload;

   (c) details on the national monthly gross salary of the seconded person;

   (d) details on any living costs and other associated expenses provided to the seconded person under national law;

   (e) details on the account to which the compensation is to be transferred.

2. The Member State concerned shall send the application for compensation to the College within six months of the decision on the secondment of the person.

Article 2

1. The College shall decide on granting the compensation within three months from the reception of the application.

2. The Member State concerned shall be entitled to compensation for as long as its national member is President and for the corresponding period of the secondment of the person concerned.

Article 3

1. In accordance with Article 12(3) of Regulation (EU) 2018/1727, Eurojust shall reimburse the Member State concerned as follows:

   (a) 50 % of the national monthly gross salary of the seconded person; and

   (b) living costs and other associated expenses which are actually incurred by the Member State concerned with respect to the seconded person.

2. The expenses referred to in point (b) of paragraph 1 shall be reimbursed only if the seconded person is entitled under national law to any type of allowances, or of payments corresponding to expenses, which are comparable in their nature to those provided for in Annex VII to the Staff Regulations of Officials of the European Union ('Staff Regulations')[1], such as: family allowances, expatriation allowance, reimbursement of expenses linked to taking-up duties, including installation allowance, resettlement allowance, travel expenses, removal expenses, daily subsistence allowance.

3. Eurojust shall reimburse the Member State concerned according to the conditions and financial limits applicable in that Member State. The reimbursements shall, in any case, not exceed the maximum amounts of the allowances or of the payments corresponding to expenses, as provided for in Annex VII to the Staff Regulations.

[1] Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).

Article 4

This Decision shall enter into force on the date of its adoption.

Done at …,

For the Council
The President