

Decision on hybrid working and working time

Action requested of the Management Board	
Take note of this cover document:	MB/38/2023 ¹
Adopt	The model decision "Commission Decision C(2023) 5076 final of 25.7.2023 on giving the Commission's ex ante agreement to the adoption by decentralised agencies and joint undertakings of implementing provisions on working time and hybrid working".

Issues for consideration

The proposed decision would replace the Commission rules currently applied by analogy at ECHA since 1 October 2022. At the time of their adoption, ECHA reserved the right to change to the decision specifically made for Agencies (model decision), if there were tangible benefits for ECHA. The main changes in the model decision compared to ECHA's existing rules are as follows:

- a re-instatement of a maximum limit of 20 hours credit balance to be carried over to the next month;
- flexibility to adjust ECHA's 'core hours' to its specific needs; and
- flexibility to adapt certain terminology of the model decision to ECHA's practices.

Following a thorough assessment of the model decision and consultation with ECHA's Staff Committee, in accordance with the Agency's framework for social dialogue, and its management team, it is considered that it would be preferable for the Agency to align with the model decision. ECHA's management will work with the Staff Committee on a fair and consistent application of these new implementing rules.

Background on the procedure

The EU Staff Regulations, applicable to ECHA, state that Implementing Rules (IRs), once adopted by the European Commission, will apply by analogy in Agencies at the latest 9 months after they were notified². Alternatively, Agencies may decide to either apply the IRs earlier or decide to opt-out, either individually or in agreement with the other Agencies and the Commission's DG HR. In order to ensure a coherent approach among Agencies, a Standing Working Party ('SWP') has been established, comprised of representatives from EU Agencies and DG HR, to review Commission IRs and assess whether they require adaptation to the specific needs of EU Agencies. If the SWP agrees on the need for specific Agencies' rules, it advises the individual Agencies to opt-out from the respective Commission rules and avail of the Agencies' version ('model decision'), which are drafted in cooperation with DG HR.

ECHA decided to apply the Commission's IRs by early analogy in June 2022, with effect from October 2022. In August 2023, the Commission notified ECHA of its adoption of the model decision (tailored to Agencies) on working time and hybrid working that is hereby proposed for adoption.

¹ Note from the secretariat: Two revisions were introduced to the annex, one in a REV1 document circulated on 11 December 2023 (entry in force) and the other in the meeting (bandwidth hours).

² Pursuant to Article 110(2) of the Staff Regulations.