

# MB DECISION



<b>DECISION No:</b>	<b>2007/01 FRA MB</b>
<b>SUBJECT:</b>	<b>Decision of the management board on childcare facilities costs for pre-school children of FRA staff</b>
<b>PERSON RESPONSIBLE:</b>	<b>Director</b>
<b>STATUS:</b>	<b>Final</b>

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTALS RIGHTS,

Having regard to the Council Regulation (EC) n° 168/2007 of 15 February 2007 establishing the European Union Agency for Fundamental Rights (FRA) and in particular Articles 15 and 24 thereof,

Having regard to the Staff Regulations of Officials, hereinafter the Staff Regulations, and Conditions of Employment of Other Servants of the European Communities, hereinafter CEOS, laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68 and last emended by Council regulation (CE, EURATOM EC) No 723/2004 of 22 March 2004, and in particular to Articles 1 (e), 76, and 3 of Annex VII of the Staff Regulations and Articles 30 and 98 of the CEOS,

WHEREAS it is necessary to promote geographical balance among the staff of agencies by facilitating childcare of the pre-school children of staff,

WHEREAS in the area of the seat of FRA there is no European school that could be attended free of charge and education is available only in English, French and German on private basis being more expensive than the cost staff members can cover with the double education allowance foreseen under Annex VII of the Staff Regulations,

WHEREAS the staff members of FRA are penalised for not being able to avail their children with education in their mother tongue, (approximately 65% of the average first language choice is covered in the Vienna area), as it is mostly the case where close to the place of employment there is a European School,

WHEREAS a measure of social nature is needed to pair the unequal working conditions to which the staff of FRA is subject compared with the one other staff working for the European Union where European Schools are available,

WHEREAS the European Commission has been consulted,

AFTER the consultation of the Staff Committee,

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 FRA and seconded national experts, with a contract duration of at least one year, with place of employment in the seat of FRA shall have access to this special measure, with regard to their dependant 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 an FRA 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 FRA, 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 other school of the region of the seat of FRA.

**Article 3**  
**Procedure**

FRA will conclude service contracts with the surrounding childcare establishments in the area of Vienna. In this respect, FRA will make a market survey and will negotiate the fees of the childcare establishments.

**Article 3**  
**Eligible costs**

- (1) FRA will pay all the childcare fees and therefore the childcare establishment will be considered as non-fee paying and the staff member concerned will not receive the education allowance provided for in Article 3 of Annex VII of the Staff Regulations.
- (2) The costs covered by FRA shall be:
  - a. the registration and attendance fees at the childcare establishment
  - b. the transportation costsexcluding all other costs.

**Article 4**  
**Implementation**

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

**Article 5**  
**Transitional measure**

- (1) Until the entry into force of this decision, staff members who have already enrolled their child in childcare establishments for the school year 2007/2008 and paid the costs incurred they will, exceptionally, get reimbursed the costs which exceeds the maximum amount covered by Article 3 of Annex VII to the Staff Regulations.
- (2) The reimbursement will be upon presentation of supporting documents (certificate of enrolment indicating the yearly amount, invoice and proof of payment).
- (3) This transitional measure will be null and void on 15<sup>th</sup> of the month following the date of signature of the present decision.

**Article 6**  
**Entry into force**

This decision shall enter into force on the day following the date of its adoption with effect starting from the school year 2007/08.

It repeals and replaces the Decision 2006/11 on the reimbursement of a portion of the cost of crèche facilities, nurseries schools and day care centers.

Done in Vienna, on

Anastasia Crickley  
Chairperson of the Management Board

