

MB DECISION



DECISION No:	2007/02 FRA MB
SUBJECT:	Decision of the management board on education costs for children of FRA staff
PERSON RESPONSIBLE:	Director
STATUS:	Final

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,

Having regard to the Guidelines on Staff Policy in the European Regulatory Agencies as adopted by the European Commission on 16 December 2005 (C(2005)5304), and in particular to point 2.3.3 thereto,

WHEREAS it is necessary to promote geographical balance among the staff of agencies by facilitating schooling of the children of staff,

WHEREAS 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,

WHEREAS the average costs covered by the EU budget per pupil attending an European school is approximately EUR 10,500 while the maximum reimbursement for education allowance, foreseen by the Staff Regulations for covering the costs of attendance of a pupil per year of any school where no European school is available, is approximately EUR 5,600,

WHEREAS European Schools provide multilingual tuition in all languages of EU 15 and most of EU 27 and offer the European Baccalaureat recognised in all Member States,

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 in the absence of a European School within 50 km from the place of employment of the FRA staff, local solutions based on the best existing practice should be found for schooling the children of staff, with a view to attracting the best candidates, thus allowing staff to reconcile work and private life and helping FRA to recruit over as wide as possible a geographical basis, as laid down in Article 27 of the Staff Regulations and Articles 12 and 82 of the Conditions of employment for temporary officials and contract staff,

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

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 2

Procedure

FRA will conclude service contracts with the international schools in the area of Vienna. In this respect, FRA will make a market survey and will negotiate the fees of the school establishments, in consultation with the Austrian authorities.

Article 3
Eligible costs

(1) FRA will pay all the school fees and therefore the school 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 international schools
- b. the transportation costs

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

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 international schools 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 15th 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 Decision 2006/17 on adopting a social measure "multilingual tuition for children of EUMC staff in Vienna".

Done in Vienna, on **23.10.07**



Anastasia Crickley
Chairperson of the Management Board