

**COUNCIL DECISION (CFSP) 2021/1838****of 18 October 2021****amending Decision (CFSP) 2017/824 concerning the Staff Regulations of the European Union Satellite Centre**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 2014/401/CFSP of 26 June 2014 on the European Union Satellite Centre and repealing Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre <sup>(1)</sup>, and in particular Article 8(5) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy, in his capacity as chair of the Board of the European Union Satellite Centre,

Whereas:

- (1) The European Union Satellite Centre (SATCEN) is an agency of the Union, affiliated to the Coordinated Organisations. In light of recent case law of the Court of Justice of the European Union, the Staff Regulations of the European Union Satellite Centre as adopted by the Council on 15 May 2017 by Decision (CFSP) 2017/824 <sup>(2)</sup> (the 'SATCEN Staff Regulations') should be aligned with the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 <sup>(3)</sup>, as well as with the Staff Regulations of the European Defence Agency <sup>(4)</sup>. In particular, the SATCEN Staff Regulations should provide for the jurisdiction of the Court of Justice of the European Union to rule on disputes between the SATCEN and its staff members in the same way as in disputes between any servant of the Union and his or her employer.
- (2) The Board of the SATCEN, on a proposal from the Director of the SATCEN, has drawn up amendments to the SATCEN Staff Regulations for adoption by the Council,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision (CFSP) 2017/824 is hereby amended as follows:

- (1) in Chapter VIII, the title is replaced by the following:

**'Appeals';**

- (2) Article 28 is replaced by the following:

*'Article 28*

**Appeals**

1. Any person to whom these Staff Regulations apply may request the Director to take a decision relating to him in matters covered by these Staff Regulations. The Director shall notify the person concerned of his reasoned decision within four months from the date on which the request was made. If, at the end of that period, no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it, against which a complaint may be lodged in accordance with the following paragraphs.

<sup>(1)</sup> OJ L 188, 27.6.2014, p. 73.

<sup>(2)</sup> Council Decision (CFSP) 2017/824 of 15 May 2017 concerning the Staff Regulations of the European Union Satellite Centre (OJ L 123, 16.5.2017, p. 7).

<sup>(3)</sup> 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).

<sup>(4)</sup> Council Decision (EU) 2016/1351 of 4 August 2016 concerning the Staff Regulations of the European Defence Agency, and repealing Decision 2004/676/EC (OJ L 219, 12.8.2016, p. 1).

2. Any person to whom these Staff Regulations apply may submit to the Director a complaint against an act adversely affecting him, either where the Director has taken a decision or where he has failed to adopt a measure prescribed by these Staff Regulations. The complaint must be lodged within three months. That period shall start to run:

- (a) on the date of publication of the act if it is a measure of a general nature;
- (b) on the date of the notification of the decision to the person concerned, but in no case later than the date on which the latter received such notification, if the measure affects a specified person; if, however, an act affecting a specified person is such as to affect adversely another person, the period shall start to run in respect of that other person on the date on which he receives notification thereof but in no case later than the date of publication;
- (c) on the date of expiry of the period prescribed for reply where the complaint concerns an implied decision rejecting a request as provided for in paragraph 1.

3. The Director shall notify the person concerned of his reasoned decision within four months from the date on which the complaint was lodged. If, at the end of that period, no reply to the complaint has been received, this shall be deemed to constitute an implied decision rejecting it, against which an appeal may be lodged under paragraph 5.

In the event of a negative reply, the staff member may request mediation. Such mediation is not mandatory.

4. The Director shall appoint a mediator for a renewable period of three years.

The mediator shall be a qualified, independent legal expert. He shall be provided by the Director and the staff member concerned with all documents he considers necessary for an examination of the case.

He shall submit his conclusions within two months of the date on which he has been apprised of the case.

Those conclusions shall not be binding on either the Director or the staff member.

The costs of mediation shall be borne by the SATCEN if the conclusions are refused by the Director; 50 % of the costs shall be borne by the staff member if it is he who refuses to accept the findings.

5. The Court of Justice of the European Union (the "Court of Justice") shall have jurisdiction in any dispute between the SATCEN and any person to whom these Staff Regulations apply regarding the legality of an act affecting such person adversely within the meaning of paragraph 2.

In disputes of a financial character, the Court of Justice shall have unlimited jurisdiction.

Staff members may file an appeal before the Court of Justice, subject to the following:

- (a) an appeal to the Court of Justice shall lie only if:
  - (i) the Director has previously had a complaint submitted to him pursuant to paragraph 2 within the period prescribed therein, and
  - (ii) the complaint has been rejected by express decision or by implied decision;
- (b) an appeal under point (a) shall be filed within three months. That period shall begin:
  - (i) on the date of notification of the decision taken in response to the complaint, or
  - (ii) where the appeal is against an implied decision rejecting a complaint submitted pursuant to paragraph 2, on the date of expiry of the period prescribed for reply; however, where a complaint is rejected by express decision after being rejected by implied decision but before the period for lodging an appeal has expired, the period for lodging the appeal shall start to run afresh;

(c) by way of derogation from point (b), the person concerned may, after submitting a complaint to the Director pursuant to paragraph 2, immediately file an appeal with the Court of Justice, provided that such appeal is accompanied by an application either for a stay of execution of the contested act or for the adoption of interim measures. The proceedings in the principal action before the Court of Justice shall then be suspended until such time as an express or implied decision rejecting the complaint is taken.;

(3) Annex X is deleted.

*Article 2*

This Decision shall take effect on 1 November 2021. It shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 18 October 2021.

*For the Council*  
*The President*  
J. BORRELL FONTELLES

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