

**DECISION No MB/2021/2
OF THE MANAGEMENT BOARD
OF THE EUROPEAN UNION AGENCY FOR CYBERSECURITY (ENISA)**

**on implementing Commission Decision of 16.3.2020 C(2020) 1559,
amending Decision C(2013) 9051 of 16 December 2013 on leave**

THE MANAGEMENT BOARD,

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

Having regard to Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act)¹, hereinafter referred to as the Regulation, and in particular Article 15.1 (m) and,

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS') laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68², in particular Article 110(2) of the Staff Regulations,

Having regard to the Commission Decision C(2020) 1559 amending the Commission Decision amending Decision C(2013) 9051 of 16 December 2013 on leave,

After consulting ENISA's Staff Committee.

Whereas

- (1) On 21 March 2020 the European Commission informed ENISA of the adoption of Commission Decision C(2020) 1559 of 16 March 2020 amending Decision C(2013) 9051 of 16 December 2013 on leave.
- (2) Pursuant to Article 110(2) of the Staff Regulations, the abovementioned decision should apply by analogy to ENISA.
- (3) The Executive Board has endorsed this decision at its meeting held on 21-22 January 2021.

HAS DECIDED AS FOLLOWS:

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R0881&from=EN>

² OJ L 56, 4.3.1968, p. 1., as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p. 15.



Article 1

Commission Decision of 16.03.2020 on laying down the general implementing provisions on leave shall apply by analogy as annexed to this decision.

Article 2

This Decision shall take effect on the day following that of its adoption.

Done by written procedure on 11 February 2021.

For ENISA
On behalf of the Management Board

[signed]

Jean Baptiste Demaison
Chair of the Management Board





ANNEX I



Brussels, 16.3.2020
C(2020) 1559 final

COMMISSION DECISION

of 16.3.2020

amending Decision C(2013) 9051 of 16 December 2013 on leave



COMMISSION DECISION

of 16.3.2020

amending Decision C(2013) 9051 of 16 December 2013 on leave

THE EUROPEAN COMMISSION,

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

Having regard to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union (CEOS), originally laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68,³ and in particular Articles 57 and 58 of the Staff Regulations and Annex V thereto, and Articles 16 and 91 of the CEOS,

Having regard to the opinion of the Central Staff Committee, issued on 23 September 2019,

Whereas:

- (1) Under the Staff Regulations, the arrival of a newborn child in a household following a birth or adoption entitles an official to maternity leave or special leave for adoption so that at least one of the parents can fully care for the child.
- (2) Experience has shown that, in the light of developments in reproductive medicine, laws on procreation and parenthood and the societal context, in some cases of parenthood the conditions for maternity or adoption leave to be granted were not met when a newborn child arrived in a household.
- (3) The Staff Regulations allow the Appointing Authority to grant special ad-hoc leave in order to take certain specific circumstances into account. On this basis, special leave to take into account the circumstances described in recital (2) has already been granted by the Appointing Authority in the past with the aim of safeguarding the child's overriding interest and ensuring inclusive interpretation of the statutory provisions.
- (4) This special leave also applies to single parents.
- (5) The duration of this special leave should be the same as that of maternity or adoption leave.

HAS DECIDED AS FOLLOWS:

Article 1

In the Annex to Decision C(2013) 9051, the following point II.a.13a is added:

'II.a.13s Arrival in the household of a new-born child

³ OJ L 56, 4.3.1968, p. 1.

Conditions for the granting of leave

When a child is born and is then received by a staff member into his/her household, special leave equivalent to special leave for adoption shall be granted to the staff member where neither he/she nor his/her partner meets the conditions to benefit from maternity leave.

The term 'child' in the above paragraph means a dependent child within the meaning of the first and second paragraphs of Article 2(2) of Annex VII to the Staff Regulations, as well as a child for whom an official procedure for the recognition of paternity or maternity or equivalent procedure has been initiated.

This leave shall start at the earliest one week before the expected date of the birth and at the latest one week after the day on which the child is born.

Notwithstanding the above criteria, the arrangements applying to special leave for adoption shall apply *mutatis mutandis*.

Where such special leave has been granted and the child is later adopted by either or both spouses, no special leave shall be granted for the adoption of that child.

Supporting documents

When applying for special leave, the staff member shall submit a sworn statement to the administration, describing the steps taken that demonstrate the intention to become a parent.

Following the birth, the staff member shall supply all the documents relating to the official steps taken to establish the paternity or maternity relationship with the child, without delay and within six months at the latest'.

Article 2

The implementation of the provisions relating to special leave for the arrival in the household of a newborn child will be assessed within two years following his or her adoption; where applicable, corrective measures may be envisaged. The staff representatives will be able to provide any information they consider useful for carrying out that assessment.

Article 3

The decision shall take effect on the day after its adoption.

Done at Brussels, 16.3.2020

*For the Commission
Johannes HAHN
Member of the Commission*