



EBA MB 2022 061 rev. 1

Management Board

27 June 2022/16:00 – 16:45

Location: teleconference

Management Board meeting – Final Minutes

Agenda item 1: Welcome and approval of the agenda (for decision)

1. The Chairperson welcomed the Members. None of the MB Members declared any conflict of interest regarding the agenda items.

Conclusion

2. The MB approved the Agenda of the meeting.

Agenda item 2: EBA's implementation of the European Commission's Hybrid Work decision (for decision)

3. The Chairperson introduced the item by reminding the MB of the discussion at the last MB meeting in May during which the EBA Executive Director updated on the teleworking policy as part of the Administrative and Operation Status report. He mentioned that the discussed various approaches, internally but also with the other ESAs and the European Commission (EC), and concluded that the adoption of the EC decision by analogy would be the most efficient solution given the EBA's existing teleworking policy.
 4. The Executive Director continued by adding that the feedback provided by the EC representative at the last MB meeting helped in progressing discussions and that the EBA staff has been informed about the developments during a townhall as well as by regular email updates, and thanks to a consultation of the Staff Committee. He mentioned that the EBA was proposing to adopt the EC decision by analogy and to implement this decision following three guiding principles: trust, consistency and accountability. As part of his introduction, he also welcomed the new EBA Head of Human Resources.
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5. A presentation by the EBA Director of Operations followed. In his presentation, he provided background information on the implementation of the Covid-19 related working arrangements and highlighted that the current policy set up a mandatory 2-days per week presence of the staff in the office combined with teleworking as per the ED decision for hybrid work from December 2021. Following the adoption of the Implementing Rule for Hybrid Work by the EC in April 2022, communication from the EC on their intention to prepare a model decision for agencies and the discussion during the MB meeting on 25 May 2022, the EBA analysed and compared pre-Covid, current EBA's and new EC hybrid work rules and concluded that the new EC rules were close to the current EBA's rules and that both differ significantly from the pre-Covid rules. Considering the EBA's three objectives – continuity, compliance and reputation, and three possible ways forward – adoption of the EC decision by analogy; opting out and reverting to the EBA's pre-Covid policy; and opting out and requesting derogation from the EC, the EBA's proposal to the MB was to adopt the EC decision by analogy. The Director of Operations also focused on new teleworking arrangements as proposed in the Decision, in particular on a number of days of telework, place of telework and working time. He concluded by summarising feedback from the EBA Staff Committee and next steps which included also changes in the EBA HR system, updates for the staff and a planned survey after a couple of months of the adoption of the decision.
6. The EBA Head of Legal and Compliance Unit (LC) explained how the application by analogy would be implemented in practice. He also noted two proposed changes to the decision to amend the title to better reflect the content and to incorporate an annex to the EC decision which was not previously available and which would not be relevant to the EBA's implementation.
7. The MB supported the EBA's proposal. One Member asked whether the effective day could not be postponed to 01 September 2022. Two Members raised questions regarding the other ESAs' approaches. One Member asked for clarification on the recuperating working hours. Other Member questioned whether two Decisions referred to in the draft Decision – 260 and 267 – have not been repealed already.
8. The EC representative welcomed the proposal and thanked the EBA for a good cooperation with the EC on this topic.
9. In his reply, the Executive Director clarified that there were different views on the application date from the staff: some appreciated the possibility of teleworking from outside the place of employment for 10 days already during the Summer period while others had already planned their work during the summer months and may reconsider or ask for exceptional flexibility. In any event the EBA would strive to ensure consistency and a fair treatment to all. On the other ESAs' approaches, he explained that he had been in close liaison with them on this topic since March. One reason why different approaches may be envisaged may come from the fact that both agencies had adopted structural teleworking policies before the Covid-19 pandemic contrary to the EBA and that returning to those approaches would not be very disruptive. He also clarified that recuperating hours did not apply to managers and that they could be

collected also during work from the place of telework. In this regard, he mentioned that each staff member has been asked to fill in, on a daily basis, timesheets, also for the purpose of collecting recuperating hours. The Head of LC confirmed that the two EBA decisions had previously been repealed and the relevant recital sentences could be deleted.

10. The Chairperson concluded by noting the MB's support to the draft Decision with the amendments proposed.

Conclusion

11. The MB approved by consensus the implementation of the EC's Hybrid Work decision by analogy.

Agenda Item 3: AOB

12. The Members did not raise any other business issues.

Participants at the Management Board conference call

27 June 2022

Chairperson Jose Manuel Campa
EBA Vice-Chairperson Jo Swyngedouw

Member Maarten Gelderman
Member Kamil Liberadzki
Member Dominique Laboureix
Member Helmut Ettl
Member Raimund Roeseler
Alternate Magnus Eriksson

European Commission representative Dominique Thienpont

EBA Directors

Executive Director Francois-Louis Michaud
Director of Operations Peter Mihalik

EBA Heads of Unit

Philippe Allard; Jonathan Overett Somnier

EBA Experts

Tea Eger

For the Management Board,

Done at Paris on 20 July 2022

[signed]

José Manuel Campa

EBA Chairperson