

ANNEX to DECISION No GB/2021/2

Mandate

for the Executive Director of the European Cybersecurity Industrial, Technology and Research Competence Centre to engage in negotiations with the Government of Romania on and conclusion of the Host Agreement

The objective of the negotiations would be to implement the relevant provisions of Protocol No 7 on the Privileges and Immunities of the European Union and to agree on the necessary arrangements to ensure the smooth and efficient functioning of the Competence Centre in the interest of the EU and in compliance with the rules applicable to the Competence Centre.

The conclusion of the Host Agreement should reduce the administrative burden from its implementation for both the Competence Centre and the authorities of Romania.

Responsible entities and coordinators of all activities under the Host Agreement should also be identified on each side. If needed, such arrangements could be specified in annexes or other accompanying document, which could easily be amended in the event of need.

The Host Agreement should inter alia contribute to increasing the attractiveness of the Competence Centre in order to develop and retain its staff as far as possible and to ensure the selection of staff at an adequate level of expertise and seniority.

To that end, the Executive Director, and until he or she takes up his or her duties, the interim Executive Director, shall engage in negotiations with the Romanian Government for a Host Agreement with a view to addressing the **non-exhaustive** list of items in the following domains:

I. Premises of the Competence Centre

Item 1	Compliance with minimum technical requirements
Scope	Ensure that the Competence Centre offers working conditions complying with appropriate health and safety standards at least equivalent to the minimum requirements applicable under measures adopted in these areas pursuant to the Treaties.
Legal Basis/	1 - Article 1(e), Regulation No 31 (EEC), 11 (EAEC) (“ <i>Staff</i> ”

Reference document	<i>Regulations</i>) ¹ 2 – Commission’s Manual of Standard Building Specifications ² – European Commission, Office for Infrastructure and Logistics
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Item 2	Compliance with security requirements
Scope	Ensure the adequate level of security in the premises for the protection of the staff, the property and archives of the Centre, including the protection of classified information and sensitive non-classified information, together with the proper exchange, the processing and the storage of such information, in line with security and cybersecurity standards equivalent to those of the EU institutions.
Legal Basis/ Reference document	1 - Article 1(e), Regulation No 31 (EEC), 11 (EAEC) (“ <i>Staff Regulations</i> ”) 2 – Commission’s Manual of Standard Building Specifications – European Commission, Office for Infrastructure and Logistics 3 – Commission Decisions on Security in the Commission ³ 4 - Articles 1 and 2 of the Protocol No 7 on the Privileges and Immunities of the European Union 5 – Note on the procedure for the selection of the seat of the European Cybersecurity Competence Centre ⁴

Item 3	Compliance with the minimum logistics and space requirements
Scope	Ensure the premises provide the necessary logistics and adequate working space for the offices, staff, meetings and other operational needs.
Legal Basis/	1 - Article 1(e), Regulation No 31 (EEC), 11 (EAEC) (“ <i>Staff</i>

¹ OJ L 56, 4.3.1968, p. 1 including its amendments in force.

² Manual of Standard Building Specifications, https://ec.europa.eu/oib/doc/mit-1-performance-and-technical-performance-specification_en.pdf, https://ec.europa.eu/oib/doc/mit-1-performance-and-technical-performance-specification_de.pdf, https://ec.europa.eu/oib/doc/mit-1-performance-and-technical-performance-specification_fr.pdf.

³ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41) and Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

⁴ Note 12404/20 on the Procedure for the selection of the seat of the European Cybersecurity Competence Centre, 29.10.2020, as approved by common accord by the Representatives of the Governments of the Member States.

Reference document	Regulations”) 2 - Manual of standard building specifications – European Commission, Office for infrastructure and Logistics 3 - Note on the procedure for the selection of the seat of the European Cybersecurity Competence Centre
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Item 4	Inviolability and Accessibility
Scope	Ensure the inviolability of the premises of the Competence Centre and its archives. Ensure the authorised access to the premises of the Competence Centre, the protection of its premises and its communications. Facilitate the accessibility of the Centre.
Legal Basis/ Reference document	Articles 1, 2 ,5 and 6 of the Protocol No 7

II. Status of the Competence Centre and its staff

Item 5	Status of the Competence Centre
Scope	Further detail the provisions of the Protocol No 7 applicable to the Competence Centre with intention to ensure exemption from taxes and custom duties, and reduce administrative burden, including a simplified procedure for VAT exemption. The Centre shall enjoy the most extensive legal capacity accorded to legal persons under the law of Romania.
Legal Basis/ Reference document	1 - Protocol No 7 in general and Articles 3 and 4 in particular 2 –Article 39(2) of Regulation (EU) 2021/887 establishing the Competence Centre ⁵ 3 - Article 2(1) of standard provisions for headquarters agreements of EU decentralised agencies (10 December 2013)

Item 6	Status of the staff and their family members
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⁵ OJ L 202, 8.6.2021, p.1.

Scope	Specify the arrangements to give effect to the provisions as regards the legal status of the staff and the Executive Director and their privileges and immunities, like for example not to be subject to immigration restrictions or to formalities for registration of aliens. It is envisaged that staff and the Executive Director, as well as their family members have access to all the public services provided by Romania without discrimination in relation to nationals of Romania.
Legal Basis/ Reference document	1 - Articles 11(b) and 13 of Protocol No 7 2 - Article 11(3) of standard provisions for headquarters agreements of EU decentralised agencies (10 December 2013)

Item 7	European-oriented schooling
Scope	Ensure the availability of multi-lingual, European-oriented schooling that can meet the needs for education facilities for the children of staff of the Centre. Develop a plan with actions to be undertaken both by the host Member State and by the Centre to provide multilingual, European-oriented schooling.
Legal Basis/ Reference document	Note on the procedure for the selection of the seat of the European Cybersecurity Competence Centre

Item 8	Joint Sickness Insurance System
Scope	Ensure the full recognition of the EU Joint Sickness and Insurance System in the host member State.
Legal Basis/ Reference document	1 – Article 72, Regulation No 31 (EEC), 11 (EAEC) (“Staff Regulations”) 2 - Article 11(3) of standard provisions for headquarters agreements of EU decentralised agencies (10 December 2013)