



EUROPEAN COMMISSION
DIRECTORATE GENERAL
JOINT RESEARCH CENTRE

The Director-General

Brussels, 20. 06. 2013
JRC.DG (2013)

APPENDIX 4

NOTE FOR THE ATTENTION OF

DAN CLAUDIU CHIRONDOJAN, DIRECTOR ISM

Subject: Delegation and assignment of responsibility in the field of Protection of the Public and the Environment of the Host Country as well as of the Protection of the Health and Safety at Work of JRC Staff and persons working on the JRC-Ispra premises

1. The Commission Decision of 10.4.1996 No. 96/282/Euratom on the reorganisation of the Joint Research Centre foresees that:

- "The Director General shall be responsible for the proper execution of the programmes assigned to the JRC" (Article 7, §1). This entails that the programmes must be executed in such a way that activities with a potential risk for the public and the environment are kept within the boundaries set by the relevant international instruments applicable (including the Agreement between the Italian Government and the European Atomic Energy Community of 22.07.1959 - hereinafter referred to as "the Site Agreement", and in particular Title II of Annex F to it), the Law of the European Union and, as far as applicable according to those sources, to the host country's legislation in this area.
- "The Director General shall, on behalf of the Commission, take all measures necessary to ensure the safety of persons and installations for which he is responsible" (Article 9, §3). This entails the respect of relevant international instruments applicable (including the Site Agreement), the Law of the European Union and, as far as applicable according to those sources, the host country's legislation for Safety and Health at Work and the country's national nuclear legislation. In particular, Article 31 of Annex F to the Site Agreement explicitly provides that the Commission shall apply national legislation on health and safety at work under its exclusive responsibility. Furthermore, Article 1 of the *Modalités d'application de la loi italienne à l'établissement d'Ispra du C.C.R. de la Communauté européenne de l'énergie atomique établies en application de l'article 20 de l'annexe F à l'accord d'Ispra* (EUR/C/4199/1/66), laid down by the EURATOM Commission and the Italian Government recognises that the activities carried out on the Ispra Site are subject to Italian Law and in particular to the legislative provisions governing the safety and security of nuclear installations and the health and safety protection of the citizens and workers, without prejudice to the application of the EURATOM Treaty and its Annexes, of legislative acts issued by the European Institutions and the above mentioned Site Agreement.

2. The Commission Decision of 21.04.2006, No C(2006) 1623/3, establishing a *Harmonized policy for the safety at work for all Commission staff* foresees that:

- The powers for implementing Health and Safety Rules in the field of health and safety at the workplace are delegated for the JRC sites outside Brussels to the Director General of JRC as Health and Safety Manager and can be subdelegated (Article 3, §2 lit.d and §4).

3. On the basis of Articles 9, §3 and 10 of the Commission Decision of 10.4.1996 No. 96/282/Euratom, which allows me to delegate to the Deputy Director-General and to the Directors the powers conferred on me, and on the basis of Article 3, §4 of Commission Decision of 21.04.2006, No C(2006)1623/3, which allows me to delegate the power for implementing Health and Safety Rules in the field of health and safety

at the workplace for JRC Sites outside Brussels, I have decided to delegate:

to Dan Claudiu CHIRONDOJAN as Director of the Ispra Site Management

the following responsibilities and tasks with respect to the premises attached to the JRC Ispra site:

a. With regard to the first item listed under point 1, I delegate to him my responsibilities in maintaining the impact of the Commission's activities on the environment, when they are carried out on the premises attached to the JRC Ispra site, in line with the provisions laid down by the sources of Law identified under point 1, first item, as detailed in Appendix 1.

b. With regard to the second item listed under point 1 and to the item listed under point 2, I delegate to him the responsibilities and the tasks that are of the employer on the basis of the host country's legislation implementing Council Directive of 12 June 1989 No 89/391/EEC, that is, to exercise the function of the "Datore di lavoro" according to national legislation (Decreto Legislativo n. 81/2008, as complemented, modified and implemented by any following applicable legal act). These responsibilities and tasks are exercised towards all Commission staff, statutory and non- statutory, working at the JRC Ispra Site, according to the Health and Safety Rules of the JRC Ispra Site in Appendix 2.

In particular, according to the Health and Safety Rules of the JRC Ispra Site, the other JRC Directors based or not based at the JRC Ispra site exercise the function of "Dirigenti" towards their staff working at the JRC Ispra site.

Through his services, he will establish and maintain the relationships in the field of Occupational Health and Safety, prescribed by the applicable rules as identified under point 1, second item, and point 2 with ENEA, sport clubs, and other bodies and individuals different from external contractors which use the premises attached to the JRC Ispra site on a long-term basis (e.g. interimaire, seconded national experts and visiting scientists), and he will provide such users with the necessary information and support related thereto.

c. With regard to the items listed under points 1 and 2, the present delegation includes:

- reporting to the competent authorities of the host country, according to Article 19 of Annex F to the Site agreement, any event on the JRC Ispra site, which could constitute a potential risk for public health and safety and/or for the environment;
- reporting immediately to competent authorities of the host country where applicable national law so provides in case of an emergency, according to the sources of Law identified under points 1 and 2;
- the power to represent the Commission, on behalf of the European Atomic Energy Community, as the "esercente" and "titolare dell'autorizzazione", in matters related to the "esercizio dell'impianto" (plant operation) with the meaning defined in Article 1, §2, lit.f of Legge 1860/1962, as last complemented, amended and implemented, as defined by the sources of Law identified under points 1 and 2, including Decreto legislativo 230/1995, as last complemented, amended and implemented.

In this regard, I assign the responsibilities and tasks related to the management of the licences and authorisations granted to the Community as "esercente/titolare dell'autorizzazione" as listed in Appendix 3, issued by the competent Italian authorities to the Commission-JRC for activities on the JRC Ispra site. He ensures that technical functions are carried out by competent staff satisfying the requirements laid down by the sources of Law identified under points 1 and 2.

d. With regard to the items listed under points 1 and 2, I appoint him to act as "Direttore delle Emergenze" when foreseen in the relevant "Regolamento di esercizio" attached to the nuclear licenses listed in Appendix 3 to the present delegation.

I assign hereby

- the responsibilities related to the management and coordination of emergencies, including a system to provide 24 hour coverage and coverage in case of absence from the Ispra site. In this respect, all necessary JRC Ispra resources will be under his direct control, in particular, the organisation of contact points with Italian national and local authorities.,

- the responsibility to identify and appoint the staff in possession of the requirements laid down by the sources of Law identified under points 1 and 2 for the tasks foreseen in the relevant regulations and prescriptions applicable to the Ispra site installations.

4. The submission of a formal act by which the Commission would become a party to judicial proceedings under national legislation would require a Commission decision, and is therefore not covered by the present delegation.

5. The former "Delegations of Responsibility in the Field of Protection of the Public and the Environment of the Host Country as well as of Protection of the Health and Safety at Work of JRC Staff and Persons Working on the JRC Premises" to:

D. C. Chirondojan, dated 27 February 2012, Ares(2012)257017

and the "Delegation and assignment of responsibility in the field of protection of the Health and Safety at Work of JRC Staff " to:

S. Lechner, dated 27 February 2012, Ares(2012)257015

M. Betti, dated 15 October 2012, Ares(2012)1234034

K. Maruszewski, dated 28 March 2013, Ares(2013)522796

are repealed.

The present delegation and the repeal of the above listed ones enter into force as from 1st July 2013.



Dominique RISTORI

The undersigned, Mr Dan Claudiu Chirondojan , Director of the Ispra Site Management, acknowledges the foregoing delegation.

Ispra,

25.06.2013



Dan Claudiu CHIRONDOJAN

Appendix 1 - Site Environmental Legal Statement

Appendix 2 - Health and Safety Rules of the JRC Ispra Site

Appendix 3 - Licences and authorisations issued