

Moving Europe towards a sustainable and safe railway system without frontiers.

DECISION n° 395

of the Management Board of the European Union Agency on the request for the Commission agreement for derogation from implementing rules to the Staff Regulations, in particular from the Commission Decision C(2025)7357 of 6.11.2025 on the general provisions for implementing Article 27 of the Staff Regulations of Officials of the European Union and Article 12(1) of the Conditions of Employment of Other Servants of the European Union

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR RAILWAYS,

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

Having regard to the Staff Regulations of Officials of the European Union (hereinafter 'Staff Regulations') and the Conditions of Employment of Other Servants of the European Union (hereinafter 'CEOS'), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68¹ as last amended, and in particular to Article 110(2), third subparagraph, of the Staff Regulations;

Having regard to Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004;

Having regard to Communication C(2014)6543 final of 26 September 2014 from Vice-President Šefčovič to the Commission on the guidelines on the implementation of Article 110(2) of the Staff Regulations with regard to the implementing rules applicable in the agencies, and in particular Point 3.3. B) thereof;

After consulting the Staff Committee,

Whereas

- 1) *Pursuant Article 110(2) of the Staff Regulations implementing rules adopted by the Commission to give effect to the Staff Regulations shall apply by analogy to the agencies to that end, the Commission informs the agencies of any such implementing rule without delay after adoption.*
- 2) *On 18.11.2025 the Commission informed the agencies on the adoption of Commission Decision C(2025)7357 of 6.11.2025 on the general provisions for implementing Article 27 of the Staff Regulations of Officials of the European Union and Article 12(1) of the Conditions of Employment of Other Servants of the European Union.*
- 3) *This communication triggered the nine-month deadline for agencies to decide if they will apply the rules by analogy or request a derogation;*
- 4) *The European Union Agency for Railways (hereafter ERA) considers that Commission Decision C(2025)7357 is not suitable to apply by analogy to the Agency, mainly because of its different characteristics of the establishment plan, namely with regard to the number of staff;*

¹ OJ L 56, 4.3.1968, p. 1, OJ L 287, 29.10.2013, p.15.

- 5) *Therefore, it is appropriate to request a derogation not to apply these rules by analogy and to adopt different rules;*
- 6) *The Agencies Standing Working Party (SWP) has informed the agencies that in coordination with the Commission, a specific model decision adapted to agencies will be developed and which will better suit the needs of the agencies;*
- 7) *Pursuant to Article 110(2) of the Staff Regulations and guidelines on the implementation of Article 110(2) of the Staff Regulations with regard to the implementing rules applicable in the agencies, the Management Board must empower the executive Director to request the Commission's agreement for derogation.*

HAS DECIDED AS FOLLOWS:

Article 1

With a view to adopting different rules and pending the finalisation of a model decision on this matter for agencies, the ERA Executive Director is hereby empowered to request the Commission's agreement on the derogation from Commission Decision C(2025)7357 of 6.11.2025 on the general provisions for implementing Article 27 of the Staff Regulations of Officials of the European Union and Article 12(1) of the Conditions of Employment of Other Servants of the European Union.

Article 2

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

For the Management Board

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On 07/01/2025

Hinne GROOT
The Chairperson

Annex: Commission Decision C(2025)7357 of 6.11.12025 on the general provisions for implementing Article 27 of the Staff Regulations of Officials of the European Union and Article 12(1) of the Conditions of Employment of Other Servants of the European Union