

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

DECISION n° 404

of the Management Board of the European Union Agency for Railways on the non-application of Commission Decision C(2013) 9049 on policies for the engagement and use of temporary agents and of Commission Decision C(2025) 4716 laying down general implementing provisions for the engagement and use of temporary staff under the terms of Article 2, points (a), (b) and (d) of the Conditions of Employment of Other Servants, and amending Decision C(2013) 9049

THE MANAGEMENT BOARD

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

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 259/681, and in particular Article 110(2) of the Staff Regulations,

Having regard to Regulation (EU) of the European Parliament and the Council on the European Union Agency for Railways (hereinafter referred to as "ERA") and repealing Regulation (EC) No 881/2004, No 2016/796 of 11 May 2016 establishing ERA,

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

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations C(2023)5076 of 25 July 2023,

After consulting the Staff Committee

Whereas:

- (1) On 17.12.2013, the Commission informed ERA that it had adopted Decision C(2013)9049 of 16 December 2013 on policies for the engagement and use of temporary agents. On 12.09.2014, ERA requested the Commission agreement to the non-application of that Decision.

¹ OJ L 56, 4.3.1968, p. 1, ELI: [http://data.europa.eu/eli/reg/1968/259\(1\)/oj](http://data.europa.eu/eli/reg/1968/259(1)/oj).

- (2) On 28.07.2026, the Commission informed ERA that it adopted Decision C(2025) 4716 of 16 July 2025 on the engagement and use of temporary staff under the terms of Article 2, points (a), (b) and (d) of the Conditions of Employment of Other Servants, and amending Decision C(2013) 9049.
- (3) Pursuant to Article 110(2) of the Staff Regulations, implementing rules such as those referred to in Recitals 1 and 2 should apply by analogy to the [name of the Agency]. By way of derogation, an agency may request the Commission's agreement to the non-application of certain implementing rules.
- (4) Decision C(2013) 9049 and Decision C(2025) 4716 are adapted to Commission services' needs, but not to the needs of the ERA. The structure of the ERA staff is different from that of the Commission.
- (5) ERA only employs temporary agents referred to in Article 2, point[s] (a) and] (f) of the CEOS. Those temporary agents are not covered by Decision C(2013) 9049 and Decision C(2025) 4716.
- (6) In ERA temporary agents referred to in Article 2, point (a) of the CEOS are exclusively the head of Agency whose selection and contract duration are governed by act(s) establishing the Agency and who are not covered by Commission Decisions C(2013) 9049 and C(2025) 4716)
- (7) Therefore, temporary staff employed by ERA, namely those referred to in Article 2, point[s] (a) and] (f) of the CEOS do not fall under the scope of Commission Decisions C(2013) 9049 and C(2025) 4716.
- (8) Commission Decisions C(2013) 9049 and C(2025) 4716 do not introduce any element that could make them applicable to ERA.

HAS DECIDED AS FOLLOWS:***Article 1***

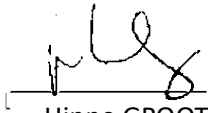
1. Commission Decision C(2013) 9049 of 16 December 2013 on policies for the engagement and use of temporary agents shall not apply to ERA.
2. Commission Decision C(2025) 4716 of 16 July 2025 laying down general implementing provisions for the engagement and use of temporary staff under the terms of Article 2, points (a), (b) and (d) of the Conditions of Employment of Other Servants, and amending Decision C(2013) 9049 shall not apply to ERA.

Article 2

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

For the Management Board

On 05/10/2026



Hinne GROOT
The Chairperson