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DECISION n° 208

of the Management Board of the European Union Agency for Railways on delegating the power for requesting agreement from the authorities in DG HR to derogate / opt-out from Commission Decisions to the Executive Director of European Union Agency for Railways

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR RAILWAYS,

Having regard to the Regulation (EU) N° 2016/796 of the European Parliament and the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004¹ (hereinafter called "the Regulation"),

Having regard to the Staff Regulations of Officials of the European Union (the "Staff Regulations") and the Conditions of Employment of Other Servants of the European Union (the "CEOS"), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68²,

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 2.B thereof,

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations,

After consulting the Agency Staff Committee,

WHEREAS

1) On 02.09.2019 the authorities in DG HR informed the Agency, the Management Board has to officially request the agreement from the authorities in DG HR to derogate / opt-out from the application by analogy of Commission Decisions.

Such request must be sent to DG HR via the Agency's Executive Director and addressed to the Director of Directorate E (Mr M.U. Moricca).

By doing so, the 9-month period from the formal notification of the adoption of Commission Decisions to the Agency is interrupted and de facto these decisions will not be applicable by analogy to the Agency.

¹ OJ L 138 26.5.2016, p. 1-43

² OJ L 56, 4.3.1968, p.1.

- 2) It is therefore necessary to adopt a decision delegating the relevant power for requesting agreement to derogate / opt-out to the Executive Director,
- 3) The Staff Committee has been consulted and agreed with the delegation to the Executive Director for requesting the agreement of DG HR for a derogation / opt-out of Commission Decisions.

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

The ERA Management Board decides to empower the Executive Director of the European Union Agency for Railways for requesting agreement from the authorities in DG HR to derogate / opt-out from Commission Decisions. For each Implementing Rule, the MB shall confirm the authorisation following a proposal from the Executive Director.

Article 2

This Decision shall take effect on the day following its adoption. It will be published on the Agency website.

Done at Valenciennes, on 25-09-2019

For the Management Board

Hinne GROOT
The Deputy Chairperson