

## DECISION OF THE GOVERNING BOARD

### ON THE REQUEST FOR THE COMMISSION AGREEMENT FOR DEROGATION FROM IMPLEMENTING RULES TO THE STAFF REGULATIONS

N° 03/2026

THE GOVERNING BOARD OF THE EUROPE'S RAIL JOINT UNDERTAKING, (hereafter referred as "EU-RAIL")

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 259/68<sup>1</sup> as last amended, and in particular to Article 110(2), third subparagraph, of the Staff Regulations;

Having regard to Council Regulation (EU) No 2021/2085 of 19 November 2021 establishing the Joint Undertakings under Horizon Europe and repealing Regulations (EC) No 219/2007, (EU) No 557/2014, (EU) No 558/2014, (EU) No 559/2014, (EU) No 560/2014, (EU) No 561/2014 and (EU) No 642/2014<sup>2</sup>, and in particular point (h) of Article 17(2) thereof;

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 (internal reference Ares(2026)3568770).

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 17.11.2025 (internal reference Ares(2025)9975581) the Commission informed the EU agencies and Joint Undertakings 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;

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<sup>1</sup> OJ L 56, 4.3.1968, p. 1, OJ L 287, 29.10.2013, p.15.

<sup>2</sup> OJ L 427, 30.11.2021, p.17, as amended by Council Regulation (EU) 2023/1782 of 25 July 2023 amending Regulation (EU) 2021/2085 establishing the Joint Undertakings under Horizon Europe, as regards the Chips Joint Undertaking.

- 3) This communication triggered the nine-month deadline for EU-RAIL to decide if it will apply the rules by analogy or request a derogation;
- 4) EU-RAIL considers that Commission Decision C(2025)7357 is not suitable to apply by analogy, mainly because of its different characteristics of the establishment plan, including with regard to the number of staff;
- 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 EU agencies and Joint Undertakings that in coordination with the Commission, a specific model decision adapted to EU agencies and Joint Undertakings will be developed and which will better suit the needs of EU-RAIL;
- 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 EU-RAIL Governing Board must empower the Executive Director to request the Commission's agreement for derogation.

HAS ADOPTED THIS DECISION:

*Article 1*

With a view to adopting different rules and pending the finalisation of a model decision on this matter for EU agencies and Joint Undertakings, the EU-RAIL 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 enter into force on the day following that of their adoption.

Done at Brussels, on 9 April 2026

For the Governing Board



Magda KOPCZYNSKA  
*The Chairperson*

**Annex:** 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