

DECISION AB n° XX/2016

**OF THE ADMINISTRATIVE BOARD OF THE AGENCY FOR THE
COOPERATION OF ENERGY REGULATORS**

of 7 June 2016

on the adoption by analogy of Implementing Rules to the Staff Regulations

THE ADMINISTRATIVE BOARD OF THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

Having regard to Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators¹ and, in particular, Article 28(2) thereof,

Having regard to Staff Regulations of officials and the Conditions of Employment of Other Servants of the European Communities (hereinafter respectively “Staff Regulations” and “CEOS”), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68², as amended by Regulation No 1023/2013, and, in particular, Article 110 (1) and (2) of the Staff Regulations,

Having regard to Decision AB No 27/2011 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 22 September 2011 on setting up a Staff Committee, and, in particular, Article 4 thereof,

Having regard to favourable opinion of the Staff Committee of the Agency for the Cooperation of Energy Regulators of 29 of April 2016 on the proposed adoption of the Implementing Rules,

Having regard to Communication C(2014)6543 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 agencies³, and in particular point 3(1) thereof,

Having regard to Decision AB 03/2010 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 6 May 2010 on the Rules of Procedure of the Administrative Board, as amended, and, in particular, Article 8(1) thereof,

Whereas:

¹ OJ L211, 14.8.2009, p.1

² OJ L 56, 4.3.1968, p.1.

³ C(2014) 6543.

- (1) Article 110 (2) of Staff Regulations stipulates that implementing rules adopted by the European Commission ('Commission') to give effect to Staff Regulations, including the general implementing provision, shall apply by analogy to the agencies. The Commission should inform the agencies of any such implementing rules without delay after adoption.
- (2) Such implementing rules should enter into force at the agencies nine months after their entry into force at the Commission or nine months after the date on which the Commission informed the agencies of the adoption of the respective implementing rule, whichever is later.
- (3) On 7 October 2014, the Commission communicated to the Agency for the Cooperation of Energy Regulators ('the Agency') its guidelines on the implementation of Article 110(2) of the Staff Regulations. Point 3(1) of the guidelines lays down the procedure in cases where the agency considers that it should apply a Commission rule by analogy. The procedure requires that the Director draws up a draft Board decision aimed at applying the Commission's rules and consults the Staff Committee on the draft decision.
- (4) On 12 January 2016, pursuant to Article 110(2) of the Staff Regulations, the Commission informed the Agency on the implementing rules adopted on 8 January 2016 and entered into force on 9 January 2016. In application of Article 110(2) of the Staff Regulations and in absence of derogation, these rules should apply by analogy to the Agency as from 13 October 2016.

HAS ADOPTED THIS DECISION:

Article 1

The Commission Decision C(2015)9720 on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work as adopted by the Commission on 8 January 2016 and entered into force on 9 January 2016 shall apply by analogy to the staff of the Agency.

Article 2

This Decision shall enter into force on the date following that of its adoption. It shall be communicated to all staff and published on the intranet of the Agency.

Done at Ljubljana, on 7 June 2016.

For the Administrative Board:

Dr. Romana Jordan
Chair of the Administrative Board