

**DECISION No 09/2026**

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

**of 28 May 2026**

**on the request for Commission agreement for derogation from Implementing Rules to  
the Staff Regulations**

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

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) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators<sup>1</sup> and, in particular, Article 39(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,

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 December 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.

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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 158/22, 14.6.2019.

- 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 the Cooperation of Energy Regulators ('the Agency') 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.
- 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 Administrative Board must empower the 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 Director *ad interim* of the Agency 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.

Done at Ljubljana, 28 May 2026.

*For the Administrative Board*

*The Chair*

*Bogdan CHIRIȚOIU*