



**Decision No 06/2024
of 16.05.2024
of the Management Board**

**on the request for the Commission agreement for derogation from implementing
rules to the Staff Regulations**

THE MANAGEMENT BOARD OF THE EUROPEAN LABOUR AUTHORITY,

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) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing the European Labour Authority amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344², and in particular Articles 32 and 33 therein;

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 22.12.2023 the Commission informed the agencies on the adoption of Commission Decision C(2023)8630 of 12.12.2023 on the prevention of and fight against psychological and sexual harassment, and repealing Decision C(2006)1624/3;

¹ OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15.

- 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 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;
- 5) The European Labour Authority considers that Commission's Decision C(2023)8630 is not suitable to apply by analogy to the Agency, mainly because of its different internal structure. Therefore, it is appropriate to request a derogation not to apply these rules by analogy and to adopt different rules;
- 6) 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 Management Board must empower the Executive Director to request the Commission's agreement for derogation.

HAS DECIDED AS FOLLOWS:

Article 1

With a view to adopting different rules, the Executive Director of the Authority is hereby empowered to request the Commission's agreement on the non-application by analogy of Commission's Decision C(2023)8860, pending the finalisation of a model decision on this matter for agencies.

Article 2

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

Done at Bratislava, on 16 May 2024.

For The Management Board

Tom BEVERS
Chair of the Management Board

Annex: Commission Decision C(2023)8860 of 12.12.2023 on the prevention of and fight against psychological and sexual harassment, and repealing Decision C(2006)1624/3