

## Governing Board

### DECISION GB(D)08-2024

#### On the request for the Commission agreement for derogation from Staff Regulation implementing rules

THE GOVERNING BOARD OF THE SESAR 3 JOINT UNDERTAKING (“SESAR 3 JU”),

Having regard to

- The Council Regulation (EU) 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 (“Single Basic Act”), as last amended by Council Regulation (EU) 2023/1782 of 25 July 2023 and in particular Article 16.2 (v) thereof,
- 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 as last amended, and in particular to Article 110(2), third subparagraph, of the Staff Regulations,
- 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 December 2023 the Commission informed the agencies on the adoption of Commission Decision C(202)8630 of 12.12.2023 on the prevention of and fight against psychological and sexual harassment, and repealing Decision C(2006) 1624/3.
- 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) SESAR 3 JU considers that Commission’s Decision C(2023)8630 is not suitable to apply by analogy to the JU, mainly because of its different internal structure. Therefore, it

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is appropriate to request a derogation not to apply these rules by analogy and to adopt different rules.

- 5) 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.
- 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 Governing Board must empower the Executive Director to request the Commission's agreement for derogation.
- 7) SESAR 3 JU policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment adopted by GB decision GB(D)18-2021 of 14 December 2021<sup>1</sup> shall continue to apply to the joint undertaking,

HAS DECIDED AS FOLLOWS:

### Article 1

With a view to adopting different rules, the Executive Director is hereby empowered to request the Commission's agreement on the non-application by analogy of Commission's Decision C(2023)8630, 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 in Brussels, 25 June 2024.

For the SESAR 3 JU Governing Board

*The Chairperson  
Filip Cornelis*



Annex I: 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

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<sup>1</sup> GB(D) 18-2021 of 14 December 2021 adopted by analogy ADB(D) 17-2017 of 11 September 2017 and its Annex.