



EuroHPC JOINT UNDERTAKING
DECISION OF THE GOVERNING BOARD OF THE
EuroHPC JOINT UNDERTAKING
No 43/2026

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

THE GOVERNING BOARD OF THE EUROHPC JOINT UNDERTAKING,

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 as last amended, and in particular to Article 110(2), third subparagraph, of the Staff Regulations;

Having regard to Council Regulation (EU) 2021/1173 of 13 July 2021 on establishing the European High Performance Computing Joint Undertaking and repealing Regulation (EU) 2018/1488¹, as last amended by Council Regulation (EU) 2026/150 of 16 January 2026 (hereinafter, "the JU Regulation"), and in particular Article 12b thereof,

Having regard to Statutes of the European High Performance Computing Joint Undertaking annexed to the Regulation (thereinafter "JU Statutes"),

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;

¹ OJ L 256, 19.7.2021, p. 3.

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 18.11.2025 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.
- 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) EuroHPC JU 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 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 and pending the finalisation of a model decision on this matter for agencies, the Executive Director of the EuroHPC Joint Undertaking 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 Luxembourg, on 8 July 2026.

For the Governing Board

Rafal Duczmal
The Chair