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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the rules adopted by the appointing authority of each institution to give effect to the
Staff Regulations**

EXPLANATORY MEMORANDUM

1. LEGAL BASE AND OBJECTIVES OF THE REPORT

The European Parliament and the Council have laid down, by means of a regulation, the Staff Regulations of Officials of the European Union¹ (hereinafter referred to as the ‘**Staff Regulations**’) and the Conditions of Employment of other servants of the Union (hereinafter referred to as the ‘**CEOS**’), as required by Article 336 of the Treaty on the Functioning of the European Union.

While these legislative acts regulate the legal relations between the EU institutions² (and agencies³) and their staff in detail, they are not exhaustive, as they expressly empower EU institutions and agencies to adopt further implementing rules on a number of issues.

As part of the **2014 Reform of the Staff Regulations**⁴, the co-legislators introduced mechanisms to increase **compliance** with the legislative framework and to strengthen effective **governance**, while allowing the institutions and the agencies to enjoy autonomy as regards the application of the Staff Regulations and the CEOS to their staff.

Since that reform, **Article 110(6) of the Staff Regulations** requires the Commission to present every three years a report on the rules adopted by the appointing authority of each institution to give effect to the Staff Regulations and by the authority authorised to conclude contracts of employment to give effect to the CEOS. Given that Article 110(6) of the Staff Regulations does not specify that each report should cover a three-year period, it is possible to cover a longer period if this is appropriate, notably in view of presenting a more complete and comprehensive report.

The first report under Article 110(6) of the Staff Regulations was published in 2017⁵ and the second report was published in 2021⁶. Taking into consideration that the last report covered the period from 1 January 2017 to 31 December 2019, it is appropriate that the third report covers a four-year period to present more up-to-date data. Hence, the present report covers the period from **1 January 2020 to 31 December 2023**.

Together with the register on implementing rules administered by the Court of Justice of the European Union⁷, the report is a tool that allows for **transparency** and promotes a **consistent**

¹ OJ L 56, 4.3.1968, p.1.

² Detailed definition and list of institutions for the purposes of this Report is provided on page 10.

³ For details see page 13 and in Annex IV.

⁴ Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union, OJ L 287, 29.10.2013, p. 15–62.

⁵ It covered the period from 1 January 2014 to 31 December 2016. Report from the Commission to the European Parliament and the Council on the rules adopted by the appointing authority of each institution to give effect to the Staff Regulations (COM(2017) 632 final) (hereinafter referred to as the ‘**2014-2016 report**’).

⁶ Report from the Commission to the European Parliament and the Council on the rules adopted by the appointing authority of each institution to give effect to the Staff Regulations (COM(2021) 258) (hereinafter referred to as the ‘**2017-2019 report**’).

⁷ Available on the publicly accessible internet application ‘Communication and Information Resource Centre for Administrations, Businesses and Citizens’ (hereinafter referred to as ‘**CIRCABC**’).

application of the Staff Regulations and the CEOS⁸, while rendering the rules **accessible to the citizens** of the European Union.

2. COLLECTION OF INFORMATION FOR THE REPORT

In order to prepare the report, the Commission asked all institutions to update the list of the implementing rules established for the purposes of the 2017-2019 report. First, the institutions were asked to update the list included in the 2017-2019 report to reflect all decisions implementing the Staff Regulations and the CEOS that were in force during the period 1 January 2020 to 31 December 2023.

The Commission subsequently compared the information provided to the rules recorded in the register administered by the Court of Justice of the European Union.

Information regarding the implementing rules applicable in the agencies was collected, similarly to the methodology followed for the previous two reports, based on the comprehensive records of the Commission services responsible for coordination of the relations with the executive agencies, decentralised agencies, and joint undertakings on human resources topics.

This collection exercise was completed on 20 June 2024. Final verification by each institution of all the data was completed on 22 November 2024. The data regarding the agencies was collected and verified internally in May 2024.

3. KEY ELEMENTS OF THE REPORT

Presentation of implementing rules

Title 1 describes the mechanisms for ensuring consistent application of the Staff Regulations, by providing an overview of the different types of rules that can be adopted either by an appointing authority to give effect to the Staff Regulations or by an authority authorised to conclude contracts of employment to give effect to the CEOS.

Quantitative assessment / Transparency

Title 2 provides an exhaustive inventory of all the implementing rules adopted by the appointing authority or the authority authorised to conclude contracts of engagement of the different institutions and agencies, thereby giving a clear and transparent account of the current situation across all institutions and the agencies.

Notably, in agreement with the institutions concerned, the Commission has drawn up tables that detail the situation in each of the ten institutions during the period from 1 January 2020 to 31 December 2023. Based on these tables, the Commission has established a general table that provides an overview of the situation across the institutions during the reference period.

Another general table provides an aggregated overview of the rules applicable in the agencies on 31 December 2023.

⁸ See recital 32 of Regulation N° 1023/2013 of 22 October 2013.

The tables identify the subjects on which the respective appointing authorities or authorities authorised to conclude contracts of employment have adopted rules and the extent to which individual authorities have made use of their rule making power.

Observations are made on the main changes since the last reporting period concerning the number and type of rules adopted across the institutions and the agencies.

Qualitative assessment / Compliance

The report presents how appointing authorities or authorities authorised to conclude contracts of employment have complied with the framework set by the Staff Regulations and the CEOS, paying particular attention to subjects where authorities have not (yet) made use of their power to adopt rules.

The report also identifies any inconsistencies with the Staff Regulations and the CEOS when it comes to compliance with the obligation to adopt implementing rules, when so required, and compliance with the imposed procedure for adoption of the implementing rule in question.

Furthermore, the report looks into the main changes that occurred compared to the previous reporting period, in particular, when it comes to the new subject matters covered by the rules adopted and the extent of convergence between the institutions on the subject matters of such rules.

Finally, the report provides an overview of the presentation of implementing rules in the register administered by the Court of Justice of the European Union.

4. OUTLOOK

The Commission will be required to submit the next report on the basis of Article 110(6) of the Staff Regulations in principle to cover implementing rules in force in the period between 1 January 2024 and 31 December 2026.

The Commission completed the present report on the basis of data as made available by the institutions and the agencies. The responsibility for completeness and accurateness of this data lies with the respective institution or agency.

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TITLE 1. PRESENTATION OF IMPLEMENTING RULES

MECHANISMS FOR ENSURING CONSISTENT APPLICATION OF THE STAFF REGULATIONS

→ *What is the system provided for by the Staff Regulations regarding their implementation?*

→ *How do the Staff Regulations achieve a consistent application of their provisions?*

This title presents the different types of rules implementing the Staff Regulations and the CEOS within the meaning of Article 110(6) of the Staff Regulations.

A general feature of all these rules is that they do not concern the general public. Therefore, they are not the subject of publication in the Official Journal of the European Union. However, in order to be enforceable towards staff concerned, the rules have to be brought to the attention of staff according to Article 110(4) of the Staff Regulations.

It should be noted from the outset that the legislative framework has remained unchanged since 2014. As the co-legislators have not introduced new types of implementing rules, the present report will follow the same presentational structure as the previous two reports.

The following rules fall within the scope of the report:⁹¹⁰

a) Rules adopted by agreement between the institutions of the Union ("Règles arrêtées d'un commun accord")

The Staff Regulations and the CEOS provide, for the application of certain provisions, for the adoption of rules by agreement between the institutions of the Union.¹¹ This concerns the following subject matters:

⁹ The report does not include delegated acts adopted on the basis of Articles 111 and 112 of the Staff Regulations. These acts result from the exercise by the Commission (or, before the 2014 reform of the Staff Regulations, by the Council) of its specific power to enact rules having a general effect on all EU staff members. Implementing rules within the meaning of Article 110 of the Staff Regulations, on the other hand, are adopted by an institution on the basis of its appointing authority power and are limited to the staff members of the institution itself.

¹⁰ The Staff Regulations and the CEOS use different degrees of obligation and different wording when referring to implementing rules to be adopted by an appointing authority or authority authorised to conclude contracts of employment (e.g. 'shall adopt', 'shall, if it sees fit, adopt', 'may lay down detailed rules'). For the purposes of the lists under this title, all the rules referred to by the Staff Regulations or the CEOS, regardless of the wording, are mentioned.

¹¹ The Staff Regulations do not define the process for the adoption of a rule by agreement between the institutions of the Union. The process that has been developed by inter-institutional practice is described in detail in the 2014-2016 report.

Staff Regulations

Article 9 + Annex II, Article 2	Procedure for instituting the common Joint Committee (COPARCO)
Article 10(1)	Procedure for appointing members of the Staff Regulations Committee
Article 37(b)	Common rules on establishment of a list of organisations devoted to furthering the Union's interests
Article 45(2)	Ability to work in a third language before the first promotion
Article 57	Annual leave
Article 61	List of public holidays
Article 72(1)	Sickness insurance
Article 73(1)	Insurance against risk of occupational disease or accidents
Article 76a	Financial aid increasing the pension of a surviving spouse who has a serious or protracted illness or who is disabled
Annex VII, Article 17(2)	Special regular transfer of part of the remuneration

Conditions of Employment of Other Servants

Article 28a(10)	Detailed arrangements for the provisions on granting an unemployment allowance to temporary staff
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b) General implementing provisions ("Dispositions générales d'exécution")

The Staff Regulations and the CEOS grant specific empowerments to the appointing authority and the authority authorised to conclude contracts of employment, respectively, to adopt general implementing provisions¹². This concerns the following subject matters:

Staff Regulations

Article 27(2)	Appropriate measures following the observation of a significant imbalance between nationalities among officials
Article 32(2)	Classification in step upon recruitment
Article 42a	Parental leave, single parents
Article 43	Annual report on ability, efficiency and conduct in the service
Article 45a(5)	Appointment of an AST official to an AD post ('certification')
Article 72(1)	Reimbursement of medical expenses
Annex VII, Article 3(1)	Education allowance

¹² The process for adopting the general implementing provisions is described in detail in the 2014-2016 report.

Annex VII, Article 9(1)	Removal expenses
Annex VII, Article 13a	Missions
Annex VII, Article 13(2)(b)	Scale for missions in third countries
Annex VIII, Article 11(2)	Transfer IN of pension
Annex IX, Article 2(3)	Administrative enquiries
Annex X, Article 3 ¹³	Exceptional application of Annex X to officials temporarily reassigned to Headquarters
<i>Conditions of Employment of Other Servants</i>	
Article 12(1)	Appropriate measures following the observation of a significant imbalance between nationalities among temporary staff
Article 12(5)	Procedures for recruitment of temporary staff
Article 54	Reclassification of temporary staff referred to in Article 2(f)
Article 56	Engagement and use of temporary staff referred to in Article 2(f)
Article 79	Use of contract staff
Article 82(6)	Engagement of contract staff
Article 86(1)	Grading of contract staff

Unlike in the case of rules adopted by agreement between the institutions, the content of general implementing provisions is determined by each institution¹⁴ according to the principle of autonomy of each institution as an employer as recognised by Article 13(2) of the Treaty on European Union and Article 298 of the Treaty of the Functioning of the European Union.¹⁵

General implementing provisions are adopted by the competent authority of each institution after consulting the Staff Committee and the Staff Regulations Committee, pursuant to Article 110(1) of the Staff Regulations and Article 141, first subparagraph, of the CEOS.¹⁶ Article 142 of the CEOS stipulates that general implementing provisions, referred to in Article 110 of the Staff Regulations, apply to servants covered by the CEOS, where by virtue of the CEOS, the provisions of the Staff Regulations apply to those servants.

¹³ Note that in its judgment of 26 February 2020 in case C-427/18 P, *EEAS / Alba Aguilera et al.*, the Court of Justice found that Article 1(3) of Annex X to the Staff Regulations does not contain an obligation for the appointing authority to adopt general implementing provisions for the entire Annex X. Instead, the Court found that the provision merely prescribes the procedure to be followed should the appointing authority decide to adopt general implementing provisions for Annex X (see points 77 and 83 of the judgment). As a result, Article 1(3) of Annex X is no longer listed hereby.

¹⁴ However, in the field of reimbursement of medical expenses in the framework of the Joint Sickness Insurance Scheme, the Commission has adopted, on the basis of the Joint Rules on sickness insurance for officials of the European Union, general implementing provisions with effect to staff members in all institutions and agencies.

¹⁵ This principle of autonomy of each institution as an employer has been confirmed by the jurisprudence, see judgments of 5 July 2011, *V/ European Parliament*, F-46/09, point 135 and of 28 April 2017, *Azoulay et.al. / European Parliament*, T-580/16, point 57 and the jurisprudence cited.

¹⁶ Detailed overview of the process for the adoption of general implementing provisions is provided in the 2014-2016 report.

According to the jurisprudence of the European Court of Justice, the expression “general implementing provisions” in Article 110(1) of the Staff Regulations refers, first and foremost, to general implementing provisions expressly provided for by certain special provisions of the Staff Regulations. However, in exceptional circumstances, an obligation to adopt implementing rules subject to the procedural requirements of Article 110(1) of the Staff Regulations may arise also when the Staff Regulations do not expressly stipulate for the adoption of general implementing provisions. According to the Court, this could namely be the case “*where the provisions of the Staff Regulations are so unclear and imprecise that any application of them must be arbitrary.*”¹⁷

c) Other implementing rules

The Staff Regulations and the CEOS also expressly provide for empowerments for the appointing authority of each institution and the authority authorised to conclude contracts of employment of each institution, respectively¹⁸, to adopt other implementing rules, without further specifying the procedure for adoption.

Other implementing rules are expressly envisaged for the following subject matters:

<i>Staff Regulations</i>	
Article 2	Determination of powers of appointing authority
Article 5(4)	Definition of types of posts
Article 9(2)	Composition and procedures of bodies (committees)
Article 22c	Whistleblowing
Article 51(1)	Procedure for dealing with incompetence
Article 55(3)	Standby duty
Article 55(4)	Flexible working time arrangements
Article 55a + Annex IVa, Article 5	Part-time work
Article 55b	Job sharing
Article 56 + Annex VI, Article 3	Overtime
Article 96	Commission officials working in a Union delegation and EEAS officials who have to carry out tasks for the Commission as part of their duties
Annex VII, Article 14(2)	Entertainment allowance

¹⁷ See judgment of the Court of Justice of 26 February 2020 in case C-427/18 P, *EEAS / Alba Aguilera et al.*, point 57 and the jurisprudence cited.

¹⁸ On one occasion (with regard to Commission officials working in a Union delegation and EEAS officials who have to carry out tasks for the Commission as part of their duties), Article 96 of the Staff Regulations provides for a joint empowerment to the Commission and the EEAS.

Annex IX, Article 30	Disciplinary proceedings
Annex X, Article 2	Transfer of officials serving in third countries
Annex X, Article 5(2)	Accommodation for officials serving in third countries
Annex X, Article 10(3)	Allowance for living conditions
Annex X, Article 23	Reimbursement of rent for officials serving in third countries
Annex XIII, Article 30(3)	Assignment of officials holding special responsibilities to "Head of unit or equivalent" or "Adviser or equivalent" before 31 December 2015
<i>Conditions of Employment of Other Servants</i>	
Article 28a(2)	Provisions on granting unemployment allowance for temporary staff
Article 42	Conditions for payments to constitute or maintain pension rights in the country of origin
Article 96(2)	Unemployment allowance for contract staff
Article 112	Conditions for payments for pension rights, unemployment, invalidity, life and sickness insurances in the country of last coverage
Article 125(1)	Parliamentary assistants

Furthermore, the institutions have adopted implementing rules also in instances not expressly provided for in the Staff Regulations and the CEOS when there was a need to implement statutory provisions by means of more specific rules. The adoption process for these other implementing rules depends on the administrative practice of the institution concerned. In the interest of transparency, the report provides a complete list of other implementing rules adopted by the institutions, regardless of the adoption procedure followed, the title, or the type of the legal act in which those rules were included.

MECHANISMS FOR ENSURING CONSISTENT APPLICATION OF THE STAFF REGULATIONS

→ *The institutions enjoy autonomy as regards the application of the Staff Regulations and the CEOS to their staff. This autonomy is exercised within the legal framework as provided for by the Staff Regulations.*

→ *The Staff Regulations provide for specific mechanisms to achieve a common inter-institutional approach whenever the subject matter calls for such harmonisation.*

TITLE 2. QUANTITATIVE ASSESSMENT / TRANSPARENCY

TRANSPARENCY

→ *Which rules were in force in the relevant period and for which subject matters in the institutions and the agencies?*

→ *What were the main changes compared to the previous reporting period in terms of the number and type of newly adopted rules?*

a) Implementing rules in the institutions

In accordance with Article 13 of the Treaty of the European Union and Articles 1, 1a, and 1b of the Staff Regulations, the following ten institutions are concerned by this report:¹⁹

- The European Parliament (EP),
- The Council (C),
- The European Commission (COM),
- The Court of Justice of the European Union (CoJ),
- The Court of Auditors (CoA),
- The European External Action Service (EEAS),
- The European Economic and Social Committee (EESC),
- The Committee of the Regions (CoR),
- The European Ombudsman (EO), and
- The European Data Protection Supervisor (EDPS).

For the purposes of establishing the present report, the nine other institutions transmitted information on their implementing rules to the Commission. In parallel, the Commission consulted the register administered by the Court of Justice of the European Union.

Based on this input and in agreement with the institutions concerned, the Commission has drawn up tables that detail the rules in force during the period 1 January 2020 to 31 December 2023 in each of the ten institutions as follows:

- A list of the rules adopted by agreement between the institutions (**Annex I**);
- Tables listing general implementing provisions and other implementing rules adopted by each institution's appointing authority or the authority empowered to conclude contracts of employment (**Annex II**);

¹⁹ According to Article 36.1 of the Protocol (No 4) on the Statute of the European System of Central Banks and of the European Central Bank, staff members of the European Central Bank are subject to the conditions of employment of the staff of the ECB.

- A general table that provides a comparative summary of rules implementing the Staff Regulations and the CEOS across all institutions (**Annex III**).

The tables use a common methodology:

- They list implementing rules that have been in force, at least partially, during the period covered by the report (from 1 January 2020 to 31 December 2023);
- They group implementing rules by different subject matters, following the structure of the Staff Regulations and the CEOS;
- They identify implementing rules by reference number, date of entry into force²⁰ and, if applicable, date of expiry.

The following method of counting was applied:

- Implementing rules were counted on the basis of the lists for each institution;
- An implementing rule was counted once, even if it covered more than one subject matter;²¹
- A rule amending an already existing rule was not counted separately;
- If an implementing rule was replaced during the period covered by the report, only one implementing rule was counted;²²
- Rules adopted by one or more institution jointly were counted separately in each institution concerned.²³

The following three tables give a quantitative overview of the number of implementing rules adopted by the institutions during the first three reporting periods (2014-2016, 2017-2019, 2020-2023).

NUMBER OF IMPLEMENTING RULES ADOPTED BY INSTITUTIONS IN FORCE during the first reporting period 2014-2016²⁴

	Rules adopted by common agreement	General implementing provisions	Other implementing rules	Total
EP	10	19	38	67
C	10	15	36	61
COM	10	24	61	95
CoJ	10	11	19	40

²⁰ Note that in instances where the date of entry into force was not easily identifiable, the date of adoption of the rule is presented instead.

²¹ An exception was made in the case of "omnibus decisions" adopted by the EEAS, i.e. general decisions that adopt, *en bloc* and by way of analogy, several special decisions of other institutions. In such a case, the respective number of special decisions was counted.

²² However, when a general implementing rule was replaced by a different type of implementing rule (or vice versa), two implementing rules were counted (one for each category of rules).

²³ This notably concerns joint decisions of the EEAS and the Commission concerning staff serving in Union Delegations.

²⁴ This table is derived from the table of the 2014-2016 report. The numbers of the first report have been slightly corrected. This is due to the fact that most institutions identified a number of rules that had been inadvertently excluded from the 2014-2016 report and that were in force in the current reporting period. The current table has been updated to also reflect those corrections.

CoA	10	10	38	58
EEAS	10	23	39	72
EESC	10	12	37	59
CoR	10	15	30	55
EO	10	15	12	37
EDPS	10	16	21	47
Total	100	160	331	591

**NUMBER OF IMPLEMENTING RULES ADOPTED BY INSTITUTIONS IN FORCE
during the second reporting period 2017-2019**

	Rules adopted by common agreement	General implementing provisions	Other implementing rules	Total
EP	10	17	45	72
C	10	15	37	62
COM	10	24	62	96
CoJ	10	11	39	60
CoA	10	10	32	52
EEAS	10	24	46	80
EESC	10	12	44	66
CoR	10	16	34	60
EO	10	17	14	41
EDPS	10	16	25	51
Total	100	162	378	640

**NUMBER OF IMPLEMENTING RULES ADOPTED BY INSTITUTIONS IN FORCE
during the third reporting period 2020-2023**

	Rules adopted by common agreement	General implementing provisions	Other implementing rules	Total
EP	10	16	42	68
C	10	15	30	55
COM	10	26	71	107
CoJ	10	16	29	55
CoA	10	11	29	50
EEAS	10	27	51	89
EESC	10	12	40	62
CoR	10	16	30	56
EO	10	15	20	45
EDPS	10	16	22	48
Total	100	170	364	635

A comparison of tables shows that there has been a relatively substantial change between the first and the second period, while the number of rules has remained largely stable in the third reporting period.

b) Implementing rules in the executive agencies, decentralised agencies, and joint undertakings

The present report also provides an overview of implementing rules adopted by the executive agencies, decentralised agencies, and joint undertakings ('**agencies**'), which were in force on 31 December 2023. This concerns the following 54 agencies²⁵ in the sense of Article 1a(2) of the Staff Regulations:

- 6 executive agencies,
- 36 decentralised agencies and EU bodies, and
- 12 joint undertakings.

The 2014 reform of the Staff Regulations set up a new framework for the adoption of rules implementing the Staff Regulations by the agencies. The general principle introduced by Article 110(2) of the Staff Regulations is that implementing rules adopted by the Commission apply by analogy to the agencies. To that end, the Commission informs the agencies of any such implementing rule without delay after adoption.

By way of exception to the principle of analogy, an agency may decide, after having consulted its Staff Committee and after having received the Commission's agreement, to adopt individual decision setting out:

- the non-application of certain Commission rules (opt-out);
- rules which are different from those of the Commission;
- rules on subject matter other than those covered by the rules adopted by the Commission.

If a significant number of agencies seek to obtain an authorisation to not apply Commission's implementing rules on a certain matter by analogy, the Commission can grant a horizontal agreement according to which the agencies can adopt an individual decision without having to submit a formal request (i.e. Commission gives an *ex ante* agreement), provided their individual decision follows the model implementing rules attached to the *ex ante* agreement (hereinafter referred to as '**model decisions**'). The model decisions are based on Commission's implementing rules but are adapted to specific context of agencies, and drafted in cooperation with the representatives of the agencies. This process contributes to the harmonisation of the application of the Staff Regulations among different agencies.

The general table presented as Annex IV to the present report provides a summary of the number and types of implementing rules that were applicable in the agencies on 31 December 2023, distinguishing the different reporting periods since the 2014 reform of the Staff Regulations.

It uses the following methodology:

²⁵ This includes the European Public Prosecutor's Office established in October 2017.

- It follows the structure of the Staff Regulations and the CEOS in order to help identify the different subject matters where the agencies have adopted implementing rules;
- With regard to each subject matter, the table distinguishes different scenarios under which the agencies have adopted their rules.

In particular, this table demonstrates how the mechanisms introduced in 2014 have worked in practice.

EFFECTS OF MECHANISMS INTRODUCED SINCE 2014

	Period 2014-2016	Period 2014-2019	Period 2014-2023
Commission implementing rules adopted after the reform of 2014 and notified to the agencies	23	29	29
Implementing rules in the agencies which apply by analogy after the reform of 2014 (Article 110 (2) SR)	593	749	925
Derogations after 2014 (own rules or opt out)	201	173	129
Commission's <i>ex-ante</i> agreements	14	27	29
Commission's <i>ex ante</i> agreements in areas covered by Commission implementing rules after 2014	10	21	23 ²⁶
Commission's <i>ex ante</i> agreements in areas not covered by Commission implementing rules after 2014	4	6	6
Derogations – Commission's <i>ex ante</i> agreements for non-application of Commission implementing rules after 2014	1	3	3
Derogations – Commission's agreements to agencies' different rules (different from the Commission implementing rules or the model decision provided by <i>ex ante</i> agreement)		5	7
Implementing rules adopted by the agencies on the basis of an <i>ex-ante</i> agreement	284	689	868

Following the reform of the mechanism of Article 110(2) Staff Regulations in 2014, agencies widely apply the Commission's implementing rules by analogy or adopt their own rules based on a model decision. The Commission only gave its agreement for non-application of Commission's rules on three occasions of no relevance for the agencies (two Commission decisions on the maximum duration for the recourse to non-permanent staff in the Commission services²⁷ and Commission decision concerning the function of adviser²⁸). The Commission granted seven agreements to adopt implementing rules different from that of the Commission or from the model decision.

²⁶ This includes the *ex ante* agreements on telework and working time, which are no longer in force.

²⁷ Commission Decision C(2013)9028 of 16 December 2013 amending Commission Decision of 28 April 2004 on the maximum duration for the recourse to non-permanent staff in the Commission services, Commission Decision C(2019) 2548 of 5 April 2019 amending Commission Decision of 28 April 2004 on the maximum duration for the recourse to non-permanent staff.

²⁸ Commission Decision C(2016)3214 of 7 June 2016 concerning the function of adviser.

TRANSPARENCY

→ *The report provides an exhaustive inventory of the different types of implementing rules across the institutions and the agencies in force during the relevant period. Using common methodology allows for a comparative approach across the institutions, thereby enhancing transparency.*

→ *The report shows that the overall number of implementing rules has remained relatively stable across the institutions since the last reporting period.*

→ *The report demonstrates that the mechanisms introduced by the 2014 reform aimed at ensuring consistent application of staff rules across the agencies continue to be widely used and continues to be effective.*

TITLE 3. QUALITATIVE ASSESSMENT / COMPLIANCE

COMPLIANCE

→ *Have the institutions complied with the framework of the Staff Regulations and the CEOS?*

→ *Has there been any further convergence among the institutions on the subject matters covered by the implementing rules adopted by them?*

→ *What is the state of play of the register held by the Court of Justice?*

a) Compliance with the Staff Regulations and the Conditions of Employment of Other Servants

In the following section, the report examines to what extent the appointing authorities and the authorities authorised to conclude contracts of employment of institutions have, to date, used the specific empowerments granted in the Staff Regulations and the CEOS, respectively, to adopt implementing rules (shown below in lists within a frame). Particular attention is accorded to the subject matters, where the authorities have not (yet) made use of their power to adopt rules.

In addition, the report lists the matters where the institutions have adopted implementing rules not expressly provided for by the Staff Regulations and the CEOS (shown below in lists within a perforated frame).

In the above-mentioned lists, the report also identifies any inconsistencies with the Staff Regulations and the CEOS when it comes to compliance with the obligation to adopt

implementing rules, when so required, and compliance with the imposed procedure for adoption of the implementing rule in question. That is the choice between rules by agreement between the institutions, general implementing provisions, and other implementing rules. These remarks have been emphasised in **bold font** in the lists.

Finally, this section of the report looks into where the focus of the regulatory activity was during the reporting period 2020-2023 insofar as the subject matters of implementing rules are concerned.

Staff Regulations

Title I – General Provisions

Article 2 – Exercise of appointing authority power

All but one institution have used the empowerments to adopt implementing rules regarding the exercise of appointing authority power. Some institutions have made use of the possibility to entrust this power to another institution or inter-institutional body.

Article 5(4) – Definition of the duties and powers attaching to each type of post

All institutions have made use of the possibility given by the Staff Regulations to define in more detail the duties and powers attaching to each type of post. One institution also adopted general implementing provisions on the matter.

Article 9 + Annex II, Article 2 – Procedure for instituting the common Joint Committee (COPARCO)

All institutions have adopted a rule by agreement on the procedures for instituting the common Joint Committee.

Article 9(2) – Composition and procedures of bodies (committees)

All but one institution have used the empowerment to determine the composition and procedure of the bodies.

Article 10 – Procedure for appointing members of the Staff Regulations Committee

All institutions have adopted a rule by agreement on the procedure for appointing members of the Staff Regulations Committee.

Annex XIII, Article 30(3) - Assignment of officials holding special responsibilities to "Head of unit or equivalent" or "Adviser or equivalent" before 31 December 2015

Five institutions have laid down provisions on derogating from Article 30(2) of Annex XIII to the Staff Regulations regarding the assignment of officials in grades AD 9 to AD 14 holding special responsibilities to the type of post "Head of unit or equivalent" or "Adviser or equivalent" before 31 December 2015.

Although not expressly required by the Staff Regulations, some institutions have also adopted implementing rules on the following matters dealt with in Title I of the Staff Regulations: disability, measures of a social nature, telework, compensatory allowance for certain categories of staff serving in Luxemburg, rules on Consultative Committee on Appointments, health and safety standards, and transfer/mobility.

The subject matters that were added by some institutions in the period 2020-2023 concerned telework, rules on Consultative Committee on Appointments, and compensatory allowance for certain categories of staff serving in Luxembourg.

Title II – Rights and obligations of officials

Article 22c – Internal rules on whistleblowing

All institutions have adopted implementing rules on whistleblowing.

Some institutions have also adopted implementing rules on the following matters dealt with in Title II of the Staff Regulations: ethics and integrity, prevention of harassment (including concerning the Members of the European Parliament), outside activities (including when linked to elections), place of residence, financial responsibility, trade unions, and training (including at own initiative).

The subject matters added by some institutions in the period 2020-2023 concerned, notably, harassment complaints concerning members of the European Parliament, training at own initiative, and trade unions.

Title III – Career of officials

Article 27(2) – Appropriate measures following the observation of a significant imbalance between nationalities among officials

Only one institution adopted general implementing provisions on the matter.

Article 32(2) - Classification in step upon recruitment

All institutions have adopted general implementing provisions to allow additional seniority up to a maximum of 24 months to take account of an official's professional experience.

Article 37(b) - Establishment on a list of organisations devoted to furthering the Union's interests

All institutions have drawn up a list by agreement on organisations devoted to furthering the Union's interests.

Article 42a - Parental leave, single parents

All institutions have adopted implementing provisions on parental leave, including the question of recognition of single parents for doubling the duration of parental leave. **One institution has, however, not adopted these rules in the form of general implementing provisions, as provided for in Article 42a(1) of the Staff Regulations.**

Article 43 - Annual report on ability, efficiency and conduct in the service

All institutions have adopted general implementing provisions on annual reports regarding the ability, efficiency and conduct in the service. Three institutions also adopted other implementing rules on this matter.

Article 45(2) - Ability to work in a third language before the first promotion

All institutions have adopted rules by agreement for implementing the requirement for officials to demonstrate before their first promotion the ability to work in a third language.

Article 45a(5) - Appointment of an AST official to an AD post

All institutions have adopted implementing provisions for giving effect to the possibility to appoint an official in function group AST to a post in function group AD, the so-called certification procedure. **One institution has, however, not adopted these rules in the form of general implementing provisions, as provided for in Article 45a(5) of the Staff Regulations.**

Article 51(1) - Procedure for dealing with incompetence

Eight institutions have adopted internal provisions to identify, deal with, and remedy cases of incompetence in a timely and appropriate fashion. **One institution has adopted those rules in the format of general implementing provisions.**

Some institutions have also adopted implementing rules on the following matters dealt with in Title III of the Staff Regulations: middle management, recruitment of senior officials, probation, secondment, leave on personal grounds, family leave, leave in the interest of the service, advancement in step, confirmation in management posts, promotion, retirement, and honorary rank.

The subject matters added by some institutions in the period 2020-2023 concern geographical balance, family leave, leave in the interest of the service, and professional incompetence.

Title IV – Working conditions of officials²⁹

Article 55(3) - Standby duty

No institution has laid down detailed rules for the application of the provisions on standby duty under this article. Two institutions have, however, adopted implementing rules on standby duty pursuant to Article 56b of the Staff Regulations.

Article 55(4) - Working time / flexible working time arrangements

All institutions have introduced flexible working-time arrangements.

Article 55a + Annex IVa, Article 5 – Part time work

All institutions have laid down detailed rules for the application of the provisions on part time work. Seven institutions also adopted rules on telework under this article.

Article 55b - Job sharing

One institution has laid down detailed rules for the application of the article on job sharing.

Article 56 – Overtime

Seven institutions have laid down rules on the procedure regarding the authorisation of overtime or the terms for fixed allowance.

Article 57 - Annual leave

The institutions have not laid down rules by agreement between institutions on annual leave. Instead, nine institutions have adopted their own implementing rules on this matter.

²⁹ Title IV also contains specific empowerments to the Commission (before the 2014 Staff Reform of the Staff Regulations: to the Council) to determine by means of delegated acts categories of officials entitled to specific allowances (shift work, standby duty, particularly arduous working conditions). These delegated acts are not the subject of the present report, see footnote 5.

Article 61 - List of public holidays

All institutions have drawn up a list of public holidays by agreement.

Some institutions have also adopted implementing rules on the following matters that concern Title IV of the Staff Regulations: maternity leave, sick leave, invalidity procedure, annual medical visit, standby duty under Article 56b of the Staff Regulations, and absence.

The subject matters added by some institutions in the period 2020-2023 concerned, notably maternity leave, annual leave, telework, sick leave, standby duty under Article 56b of the Staff Regulations, and absence. The institutions adopted provisions on telework under different provisions of this Title as well as under Title I.

Title V – Emoluments and social security for officials

Article 72(1) - Sickness insurance

All institutions have drawn up rules by agreement on sickness insurance.

Article 72(1) - Reimbursement of medical expenses

Following an empowerment by all institutions as provided for in Article 72(1), third subparagraph, of the Staff Regulations, the Commission has adopted rules governing the reimbursement of expenses, which are applicable in all institutions.

Article 73(1) - Insurance against risk of occupational disease or accidents

All institutions have drawn up rules by agreement on insurance against the risk of occupational disease or accidents.

Article 76a - Financial aid increasing the pension of a surviving spouse who has a serious or protracted illness or who is disabled

All institutions have fixed by agreement rules implementing on financial aid increasing the pension of a surviving spouse who has a serious or protracted illness or who is disabled.

Annex VII, Article 3(1) - Education allowance

All institutions have laid down general implementing provisions on education allowance.

Annex VII, Article 9(1) – Removal expenses

All institutions have adopted implementing provisions on removal expenses. **One institution has, however, not adopted these rules in the form of general implementing provisions, as provided for in Article 9(1) of Annex VII to the Staff Regulations.**

Annex VII, Article 13(2)(b) – Scale for missions in third countries

Two institutions have fixed the scale for expenses during missions taking place in countries outside the European Union.

Annex VII, Article 13a - Mission expenses

All institutions have adopted general implementing provisions on mission expenses. Three institutions also adopted other implementing rules on this matter.

Annex VII, Article 14(2) – Entertainment allowance

No institution has laid down terms for reimbursement of occasionally incurred entertainment expenses.

Annex VII, Article 17(2) – Transfer of part of the remuneration

All institutions have laid down rules by agreement on special regular transfer of part of an official's remuneration.

Annex VIII, Article 11(2) - Transfer IN of pension

Nine institutions have adopted general implementing provisions to determine the number of years of pensionable service with which an official who enters the service of the Union after leaving the service of a government administration or of a national or international organisation or pursuing an activity in an unemployed or self-employed capacity shall be credited under the Union pension scheme in respect of the former period of service. **One institution has yet to adopt general implementing provisions as required by Article 11(2) of Annex VIII to the Staff Regulations.** One institution also adopted other implementing rules on the matter.

Almost all institutions have also adopted implementing rules on the following matters dealt with in Title V of the Staff Regulations: family allowances, household allowance by special decision, persons treated as if they were a dependent child, annual travel expenses, place of origin, mission and duty travel expenses, and transfer of pension rights. In the vast majority of cases, the institutions chose to adopt general implementing provisions on these subject matters.

Some institutions have also adopted implementing rules on loans and advances, calculation of pension rights, contribution for public transportation expenses, early retirement, and invalidity allowance.

The subject matters added by some institutions in the period 2020-2023 concerned mission and duty travel expenses and contribution for public transportation expenses.

Title VI – Disciplinary measures

Annex IX, Article 2(3) – Administrative enquiries

All institutions have adopted implementing rules on administrative enquiries in the form of general implementing provisions.

Annex IX, Article 30 – Disciplinary proceedings

All institutions have adopted implementing rules on disciplinary proceedings more generally.

One institution has adopted implementing rules on investigations concerning EPSO selection boards and one institution adopted implementing rules on prevention of fraud, corruption and any other illegal activity.

Title VII – Appeals

One institution has adopted implementing rules on complaints in the sense of Articles 90 and 91 of the Staff Regulations.

Title VIIIa – Special provisions applicable to the EEAS

Article 96 - Commission officials working in a Union delegation and EEAS officials who have to carry out tasks for the Commission

The Commission and the EEAS have agreed on the detailed arrangements on the taking of instructions by a Commission official working in a Union delegation from the Head of Delegation and by an EEAS official who has to carry out tasks for the Commission from the Commission.

Title VIIIb – Special and exceptional provisions applicable to officials serving in a third country

Annex X, Article 1, third paragraph - Officials serving in a third country

The Commission and the EEAS have adopted general implementing provisions applicable to officials of the European Union serving in a third country. The Court of Justice has clarified in its jurisprudence that the Staff Regulations do not oblige the institutions to adopt general implementing provisions for Annex X of the Staff Regulations. However, if an institution chooses to do so, the procedure provided for in Article 110 of the Staff Regulations (i.e. adoption by way of general implementing provisions) needs to be followed.³⁰

Annex X, Article 2 - Transfer of officials serving in third countries

Two institutions have laid down detailed implementing rules on transfers of officials by a specific procedure referred to as the 'mobility procedure'.

Annex X, Article 3 – Exceptional application of Annex X to officials who are temporarily reassigned to Headquarters

Two institutions have laid down general implementing provisions on granting education allowance to staff temporarily assigned to the Headquarters.

Annex X, Article 5(2) - Accommodation for officials serving in third countries

Two institutions have laid down detailed rules on providing an official with accommodation.

Annex X, Article 10(3) – Allowance for living conditions

Two institutions have adopted detailed provisions on the allowance for living conditions. One institution also adopted general implementing provisions on this matter.

Annex X, Article 23 - Reimbursement of rent for officials serving in third countries

Two institutions have laid down detailed rules on an accommodation allowance or reimbursement of rent.

The Commission and the EEAS have also adopted implementing rules on the following matters dealt with in Title VIIIb of the Staff Regulations and its Annex X: rest leave, currency and weighting, reimbursement to officials assigned in non-member countries, mobility of EEAS contract agents, temporary accommodation allowance and the cost of transport, sickness insurance and accident insurance. The Commission also adopted implementing rules

³⁰ See judgment of the Court of Justice of the European Union in case C-427/18 P, *EEAS / Alba Aguilera et al.*, point 77.

applicable to staff serving in Commission's Office in Greenland to whom the provisions of Annex X to the Staff Regulations apply due to Greenland's specific status.

In the period 2020-2023, the Commission and the EEAS only added implementing rules on granting education allowance to staff temporarily assigned to the Headquarters. The Commission also adopted implementing rules concerning staff serving in the Commission's Office in Greenland.

Title IX – Transitional and final provisions

One institution adopted implementing rules on compensatory payment and general implementing provisions concerning pension rights.

Conditions of Employment of Other Servants

Title II – Temporary staff

Article 12(1), third subparagraph – Appropriate measures following the observation of a significant imbalance between nationalities among temporary staff

Article 12(1), third subparagraph, allows each institution to adopt appropriate measures following the observation of a significant imbalance between nationalities among temporary staff that is not justified by objective criteria. Those appropriate measures must be justified and shall never result in recruitment criteria other than those based on merit. Before such appropriate measures are adopted, the authority authorised to conclude contracts of employment shall adopt general implementing provisions. At the time of finalisation of the present report, no institution has yet adopted such implementing provisions.

Article 12(5) – Procedures for the recruitment of temporary staff

Five institutions have adopted implementing provisions on the procedures for recruitment of temporary staff. **Two out of five institutions have, however, not followed the requirement to adopt such rules in the form of general implementing provisions, as required by Article 12(5) of the CEOS. Five institutions are yet to adopt the rules on recruitment of temporary staff.**

Article 28a(2) – Provisions on granting unemployment allowance for temporary staff

No institutions have laid down provisions on granting an unemployment allowance to temporary staff.

Article 28a(10) – Detailed arrangements on granting an unemployment allowance to temporary staff

All institutions have laid down by mutual agreement detailed arrangements for the provisions on granting an unemployment allowance to temporary staff.

Article 42 – Conditions for payments to constitute or maintain pension rights in the country of origin

No institutions have laid down conditions for payments to constitute or maintain pension rights in the country of origin for temporary staff.

Article 54 – Reclassification of temporary staff - Article 2(f) CEOS

All agencies have adopted general implementing provisions for the implementation of the provisions on classification of temporary staff (Article 2(f) CEOS) in the next higher grade. All but one agency adopted those general implementing provisions on the basis of a Commission's ex-ante agreement, while one agency adopted its own different rules.

Article 56 – Engagement and use of temporary staff - Article 2(f) CEOS

All agencies have adopted general provisions for the implementation of the procedures governing the engagement and use of temporary staff (Article 2(f) CEOS). All but two agencies adopted those rules on the basis of a Commission's ex-ante agreement, while two agencies adopted their own different rules.

Some institutions have also adopted implementing rules on the following matters that concern Title II of the CEOS: Junior Professionals Programme, general policy for the engagement and use of temporary agents, reclassification of temporary staff, measures of social nature, classification in step of temporary staff, working conditions of temporary agents, drivers, maternity pay, early retirement.

The subject matters added in the period 2020-2023 concerned notably general policy for the engagement of temporary staff and classification in step of temporary staff.

Title IV – Contract staff

Article 79(2) - Use of contract staff

All institutions have adopted general implementing provisions governing the use of contract staff. Two institutions also adopted other implementing rules on the matter.

Article 82(6) - Engagement of contract staff

All institutions have adopted general implementing provisions on the procedures for engagement of contract staff. Three institutions also adopted other implementing rules on the matter.

Article 86(1) - Grading of contract staff

All institutions have adopted general implementing provisions on the grading of contract staff. One institution also adopted other implementing rules on the matter.

Article 96(2) – Provisions on granting unemployment allowance for contract staff

No institutions have laid down provisions on granting unemployment allowance to contract staff.

Article 112 – Conditions for payments for pension rights, unemployment, invalidity, life and sickness insurances in the country of last coverage

No institution has laid down conditions for payments for pension rights, unemployment, invalidity, life and sickness insurances in the country of last coverage.

Some institutions have also adopted implementing rules on the following matters that concern Title IV of the CEOS: rules applicable to staff engaged under national law ineligible to become contract agent, appraisal and reclassification of contract staff, maximum duration of recourse to non-permanent staff, auxiliary conference interpreters, working conditions of interpreters, and mobility of contract staff in delegations.

The subject matters added in the period 2020-2023 concerned reclassification of contract staff.

Title V – Local staff

The Commission and the EEAS have adopted implementing rules on conditions of employment, salary method, social security for local agents in delegations, and Joint Committees regarding Local Staff. The Commission has also adopted implementing rules on joint committees regarding Local Staff.

Title VI – Special advisers

One institution has adopted implementing rules on special advisers.

Title VII – Parliamentary assistants

Article 125 - Parliamentary assistants

The European Parliament has adopted implementing measures by internal decision for the purposes of the application of the provisions on parliamentary assistants.

As regards the convergence on the subject matters of implementing rules, it appears from the foregoing that there was further convergence between the institutions during the reporting period. Such convergence was greater in the subject matters where the majority of institutions had already adopted rules in the previous reporting period or before, with other institutions following suit. This concerned, notably the following subject matters: types of post and post titles, committees, anti-harassment, training, leave on personal grounds, working time, part time work, telework, household allowance by special decision, mission and duty travel expenses.

Some, more limited, convergence occurred also on the subject matters of health and safety, transfer, ethics and integrity, recruitment of senior officials, annual medical visit, loans and advances, and disciplinary proceedings.

Subject matters introduced by one or more institutions³¹ during the reporting period included granting of *supplementary aid for persons with a disability*, telework, *compensatory allowance for certain staff categories serving in Luxembourg*, *harassment complaints concerning the Members of the European Parliament*, training at own initiative, *trade unions*, family leave, leave in the interest of the service, professional incompetence, *geographical balance*, maternity leave, sick leave, absence, annual leave, mission and duty travel expenses, *contribution for public transportation*, *standby duty under Article 56b of the Staff Regulations*, *special provisions concerning staff serving in Commission's Office in Greenland*, *education allowance during temporary assignment to Headquarters*, *Junior Professionals Programme in the Commission*, policy for the engagement of temporary staff and classification in step of temporary staff, and reclassification of contract staff.

³¹ Entirely new subject matters introduced during the reporting period are marked in *italics*.

b) The register administered by the Court of Justice

Since February 2014, the register of the rules adopted by the appointing authority and authority authorised to conclude contracts of employment of each institution and agency is publicly available via the internet application "Communication and Information Resource Centre for Administrations, Businesses and Citizens (Circabc)" that can be accessed through a dedicated European Commission Authentication Service (ECAS) account.

The register has set up the following document structure:

Title	Description
1. Staff Regulations and the CEOS	<i>"These are the Regulations applicable to officials of the European Union and the Conditions of employment applicable to other servants of the Union."</i>
2. Rules of a general nature	<i>"These are rules adopted by the Council of the European Union or delegated acts adopted by the European Commission for the application of the Staff Regulations and applicable to the staff of the institutions and agencies of the Union."</i>
3. Rules fixed by common accord	<i>"Certain articles of the Staff Regulations refer expressly, for their application, to rules fixed by common accord between the institutions. Those rules are adopted in exactly the same manner by each institution, and the President of the Court of Justice ultimately establishes the common accord of the institutions."</i>
4. General implementing provisions (GIP)	<i>"Where the Staff Regulations expressly provide, each institution adopts its own general provisions for the implementation of the articles of the Staff Regulations, after consulting the Staff Committee and obtaining the opinion of the Staff Regulations Committee. Certain texts are also adopted by the institutions in the form of 'general implementing provisions' either where the articles of the Staff Regulations provide for 'implementing provisions' or where the statutory provisions are not sufficiently explicit to be applied directly."</i>
5. Other implementing rules (IR)	<i>"These are texts adopted by each institution to implement the Staff Regulations and are neither rules fixed by common accord nor general implementing provisions."</i>

The rules under each title are organised by institution with a joint folder for the European Union agencies. Some of the institutions have further organised their implementing rules in sub-folders by subject matter.

As regards the agencies, their implementing rules are presented in the register under the titles "General implementing provisions (GIP)" and "Other implementing rules (IR)" in the joint folder "European Union agencies".

The folder contains sub-folders for:

- "Commission's agreements ex ante on GIP derogated" and "Commission's agreements ex ante on IR derogated", respectively, described as *"Agreements applicable to all agencies. Agreements applicable to executive agencies. Agreements applicable to decentralised agencies and joint undertakings."* These sub-folders are further subdivided to folders by subject matter.
- "Joint undertakings"
- "Decentralised agencies"
- "Executive agencies"

The present report concerns the rules as listed under titles 3-5 in the register.

Regarding these rules, a consultation of the register shows that all of the institutions and agencies more generally are aware of the existence of the register and of the requirement to submit their implementing rules to it. The level of compliance with this requirement is, however, very different across the institutions and varies significantly between the type of rules.

The records in the register are complete when it comes to the rules fixed by common accord.

Insofar as general implementing provisions are concerned, the level of compliance appears to be high, as all institutions have submitted rules. That said, for some institutions the register contains most of their general implementing provisions, while for others it remains incomplete.

By contrast, when it comes to other implementing rules, the majority of agencies ³² and 5 out of 10 institutions have submitted their rules to the register. For some institutions, the records are more up to date, whereas for others, a significant number of implementing rules are yet to be submitted. Two institutions have not submitted any implementing rules.

In light of the above, it should be noted that the content of the register is not identical with the content of the present report, except when it comes to the rules fixed by common accord.

In addition to the differences that arise due to the varying level of completeness of the information submitted to the register, some divergence results from the specificities of the methodology used for the present report. Notably, the present report only contains implementing rules that were in force during the period 2020-2023, whereas the register also contains implementing rules that were no longer applicable during this period. Some institutions provide the rules in one language version, while others upload more or all the available language versions. Furthermore, some institutions have submitted rules amending a pre-existing rule to the register separately, whereas the present report does not identify amending rules as separate rules. In this context, it should be noted that the College of Heads of Administration of all institutions proposed that the implementing rules which are no longer in force should be removed from the register, that the rules should be submitted in all available language versions, and that the register should be updated by each institution at least on an annual basis.³³

COMPLIANCE

→ ***The institutions and agencies have largely complied with the framework of the Staff Regulations and the CEOS.***

→ ***The present report does not indicate any systemic or otherwise alarming issues.***

³² The Commission was not in a position to assess whether all of the relevant rules of all the agencies had been submitted.

³³ CA-D 3654/22.

→ *The report allows to identify those - altogether limited - areas where the institutions still lag behind the statutory framework.*

→ *There was further convergence on subject matters of implementing rules between the institutions during the reporting period. Such convergence was greater in the subject matters where the majority of institutions had already adopted rules in the previous reporting period or before, with other institutions following suit. Some, more limited convergence occurred also on other subject matters. A few new subject matters were also introduced.*

→ *The register held by the Court of Justice is functional, but its content is not synchronised with the present report. The exact scope of the requirement to submit implementing rules to the register needs to be clarified and agreed on among the institutions.*

TITLE 4. SUMMARY

The present report provides an overview of the rules adopted by the institutions and agencies to give effect to the Staff Regulations and the CEOS, which were in force during the period between 1 January 2020 and 31 December 2023.

The report demonstrates that the institutions enjoy autonomy as regards the application of the Staff Regulations and the CEOS to their staff. This autonomy is exercised within the legal framework as provided for by the Staff Regulations. Furthermore, the Staff Regulations provide for specific mechanisms to achieve a common inter-institutional approach, whenever the subject matter calls for such harmonisation.

The report shows that the institutions have widely used their power to adopt rules to give effect to the Staff Regulations and the CEOS, even though the appointing authorities and authorities authorised to conclude contracts of employment of the individual institutions and agencies have exercised this power to varying degrees. This variety can be seen as a reflection of different administrative realities and the principle of autonomy of each institution as an employer as recognised by the Union law.

It should be noted that the present report covers the period that included the COVID-19 pandemic and which required certain institutions to adopt *ad hoc* measures to respond to the needs of the service at the time or indeed implementing rules. Some of the implementing rules adopted in this context were designed as a transitory measure. These rules were thus adopted and repealed during the reporting period and do not directly impact the overall number of implementing rules in force at the end of the reporting period. Moreover, all institutions adopted new rules on working time and hybrid work, which are likely building on the experiences with flexible ways of work drawn from the COVID-19 pandemic.

The report indicates some further convergence among the institutions on a significant number of subject matters of implementing rules during the reporting period such as combatting harassment and ethical conduct.

The report provides an exhaustive inventory of the implementing rules adopted across the institutions. It presents all implementing rules by using a common methodology. This allows for a comparative approach across the institutions, thereby enhancing transparency. Regarding the agencies, the report provides an aggregated overview and analyses the effects of the harmonisation mechanisms introduced in 2014.

As regards compliance, the report allows to conclude that the appointing authorities and authorities authorised to conclude contracts of employment of the institutions and the agencies have, when adopting implementing rules, largely respected the legal framework provided for by the Staff Regulations and the CEOS. The report does not indicate any systemic or otherwise alarming issues. It allows to identify those - altogether limited - areas where the institutions still lag behind the statutory framework.

The Court of Justice of the European Union has set up the register of implementing rules, as provided for in Article 110(6) of the Staff Regulations as from February 2014. This register is publicly available and should be updated on a continuous basis. The report concludes that the register is functional, but its content is not fully synchronised with the present report.

By way of outlook, the Commission services will transmit the present report to the Heads of Administration of all institutions, allowing the institutions to assess their individual compliance with the statutory framework described in this report and take the actions deemed necessary.

The next report on the basis of Article 110(6) of the Staff Regulations will cover implementing rules in principle in force in the period 1 January 2024 to 31 December 2026.

ANNEXES

Annex I	Rules adopted by agreement between the institutions
Annex II	Implementing rules in the institutions
Annex III	Consolidated table for the institutions
Annex IV	Implementing rules in the agencies