

Lisbon, 18 March 2026

DECISION OF THE MANAGEMENT BOARD OF 18 MARCH 2026 ON THE REQUEST FOR THE COMMISSION AGREEMENT FOR DEROGATION FROM IMPLEMENTING RULES OF THE STAFF REGULATIONS

THE MANAGEMENT BOARD,

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) 2025/2434 of the European Parliament and of the Council of 26 November 2025 on the European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002 and in particular Article 29 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 17 November 2025 the Commission Decision C(2025)7357 of 6 November 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) The Agency considers that Commission's Decision C(2025)7357 is not suitable to apply by analogy to the Agency. Therefore, it 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;

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.

- 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 Agency is hereby empowered to request the Commission's agreement on the non-application by analogy of Commission Decision C(2025) 7357 of 6 November 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, 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 Lisbon, on 18 March 2026.

For EMSA



Wojciech Zdanowicz
Chairperson of the Management Board

Annex: Commission Decision C(2025) 7357 of 6 November 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.



Brussels, 6.11.2025
C(2025) 7357 final

COMMISSION DECISION

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**

COMMISSION DECISION

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

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials of the European Union ('the Staff Regulations') and the Conditions of Employment of Other Servants of the European Union (CEOS) laid down in Regulation (EEC, Euratom, ECSC) No 259/68 of the Council (¹), and in particular Article 27 of the Staff Regulations and 12(1) of the CEOS,

Having consulted the Staff Committee,

Having regard to the opinion of the Staff Regulations Committee,

Whereas:

- (1) The recruitment of officials and the engagement of temporary staff are to be directed to securing the services of persons of the highest standards of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among Member State nationals. To ensure the principle of equality of the Union's citizens, Article 27, second paragraph, of the Staff Regulations and Article 12(1), third subparagraph, of the CEOS allow each institution to adopt appropriate measures following the observation of a significant imbalance between Member States nationalities which is not justified by objective criteria.
- (2) In accordance with Article 27, third paragraph, of the Staff Regulations and Article 12(1), fourth subparagraph, of the CEOS, the Commission submitted a report on geographical balance² (hereinafter 'the report on geographical balance') to the European Parliament and the Council, which set out a framework to assess the presence of Member States nationalities among its staff and observed that several nationalities were under-represented, and that such significant imbalance was not justified by objective criteria.
- (3) Since the publication of the report on geographical balance, the Commission has continued monitoring the geographical balance of its staff, which has shown that several nationalities remain under-represented. Ongoing monitoring showed that the only objective criterion that can justify a disparity in the levels of presence of nationals

¹ OJ L 56, 4.3.1968, p.1, ELI:[http://data.europa.eu/eli/reg/1968/259\(1\)/oj](http://data.europa.eu/eli/reg/1968/259(1)/oj).

² Report from the Commission to the European Parliament and the Council of 15.6.2018 COM(2018) 377 final as corrected by COM(2018) 377 final/2 of 24.8.2018.

of the different Member States of the Union is the size of the population of the Member States³.

- (4) It is acknowledged that geographical balance could be influenced by the attractiveness of EU careers. In particular, the employment package (working conditions and arrangements, including flexitime, telework, salary, benefits, etc.) can be perceived differently across Member States, due to various reasons which can be related to cultural specificities, economic conditions in the Member State, such as national labour markets, and other structural factors within each Member State. In line with the report on geographical balance, the Commission Communication on the HR strategy⁴ committed to the development of Action Plans together with under-represented Member States. These Joint Action Plans were agreed in 2023 and include actions aimed at addressing the underlying causes of the under-representation of Member States. These actions are essentially aimed at the promotion, communication and outreach on EU careers and jobs as well as selection and recruitment. The first assessment of the Joint Action Plans concluded that additional actions were needed and called for the adoption of more cogent measures.
- (5) In view of the above, the Commission needs to adopt the present Decision to serve as a legal basis for the implementation of appropriate measures aimed at correcting significant imbalances, in accordance with Article 27, second paragraph, of the Staff Regulations and Article 12(1), third subparagraph, of the CEOS.
- (6) This Decision introduces a new framework for assessing and monitoring the geographical balance of Commission staff. Similarly to the methodology established in the report on geographical balance, the new framework rests on the definition of a guiding rate for each nationality, as an indicator of the minimum presence of Member States' nationals among Commission staff⁵. However, the calculation to define guiding rates, which initially included the weighted votes in the Council should be revised, since those are no longer applied. Furthermore, the new method should reflect the composition of the Union population with a degressive proportionality to ensure a minimum presence of each nationality. That degressive proportionality could be attained by taking into account the number of seats allocated to each Member State in the European Parliament. The guiding rates should be recalculated if there is a change in the number of Members of the European Parliament per Member State and, if appropriate, a substantial variation in Member States' populations.
- (7) Additionally, similarly to the report on geographical balance, an imbalance is observed when the share of nationals of any Member State is lower than 80% of the relevant guiding rate in the staff categories of officials and temporary agents, in the Administrator (AD) function group.
- (8) To ensure that the approach is proportional, the new framework should also continue to focus on the AD function group which does not perform linguistic functions (i.e.,

³ Article 27, second paragraph, of the Staff Regulations and Article 12(1), third subparagraph, of the CEOS provides that the principle of the equality of Union's citizens shall allow each institution to adopt appropriate measures following the observation of a significant imbalance between nationalities among officials which is not justified by objective criteria.

⁴ [C\(2022\) 2229 final](#) of 05.04.2022.

⁵ Since the introduction of quotas by nationality would not be compatible with the principles laid down in Article 27, first paragraph, of the Staff Regulations and Article 12(1), first subparagraph, of the CEOS, guiding rates shall remain the sole objective criteria that can justify a disparity in the levels of presence of each nationality.

AD officials and temporary agents). Officials and temporary agents in the function group AD, who do not perform linguistic functions, are responsible for the conceptual policy development and its implementation according to Article 5, paragraph 2, of the Staff Regulations. It is important that this function group is geographically balanced, to ensure broad reflection of the European citizens in shaping and applying EU policies. This does not apply to the same extent for the function groups in charge of administrative, technical or training activities (i.e. function group AST) or clerical and secretarial tasks (i.e., function group AST-SC). At the same time, due to the specific nature of the linguistic functions, the staffing of linguistic services follows a specific rationale. First, the required number of staff mastering the target language is pre-determined and independent of the size of the corresponding Member State. Second, even though recruitment in linguistic services is not dictated by nationality but by language skills, a strong correlation exists between the two. Third, some languages are the official languages of several Member States. Depending on the language in question, the distribution by nationality of staff in linguistic services, therefore, follows a pattern that is not comparable to that of non-linguistic services.

- (9) The framework for assessing geographical balance should be based on the grades AD5 to AD8, which are the usual grades for appointments, in accordance with Article 31 of the Staff Regulations, and which reflect the policy on geographical balance from the perspective of the career journey. Without prejudice to the monitoring of geographical balance and prospective analysis regarding under-represented nationalities, officials and temporary agents in grades AD9 to AD16 who perform managerial functions should be excluded from the scope of this Decision. Career progression to middle and senior management positions within the Commission primarily occurs through internal career paths. Consequently, a balanced representation of nationalities in grades AD5 to AD8 is a prerequisite to achieve balanced representation at higher grades over the longer term, including among managers.
- (10) For the purposes of assessing the geographical representation of each nationality, the composition of officials and temporary agents should be examined jointly and separately. Analysis based on data regarding established officials provides a more stable indication of future trends in relation to geographical balance whereas temporary agents are employed, in principle, for fixed periods.
- (11) The monitoring of geographical balance since 2018 has shown that the situation of individual Member States can fluctuate due to the inflows and outflows of their nationals in the Commission. Those fluctuations should be taken into account when assessing the situation of each nationality. A nationality should be considered as appropriately represented when its actual presence at the level of officials in grades AD5 to AD8 equals at least 80% of the guiding rate for a minimum of two consecutive years. Assessing the category of officials allows for a more reliable analysis, which is necessary to determine whether a particular nationality is no longer under-represented.
- (12) A nationality should be considered as under-represented when its actual presence is below 80% of the guiding rate either for three consecutive years at the level of officials in grades AD5 to AD8, or for two consecutive years at the level of officials and temporary agents in grades AD5 to AD8. The reference period for the assessment of geographical balance in the second category should be shorter, because temporary agents are in general recruited for fixed periods and for posts requiring specialist skills for which officials cannot always be found, and to compensate for the shortage of competition laureates on reserve lists. Furthermore, the Commission regularly organises internal competitions giving temporary agents the opportunity to become

permanent officials. A presence below 80% of the guiding rate in these combined two categories of staff therefore requires a swifter response than for the category of officials in grades AD5 to AD8.

- (13) The initiation of appropriate measures to address significant geographical imbalances should rely on a comprehensive analysis of trends that affect broad clusters of staff categories, expected inflows and outflows, as well as other factors relevant to carrying out geographical balance projections. They should include the Member States' efforts to address the imbalances, including in cooperation with the Commission, notably as part of the key policy initiative of Joint Action Plans to strengthen geographical balance.
- (14) Data shows that the geographical distribution of staff members in the AST function group and certain categories of non-permanent staff affects the geographical distribution of officials and temporary agents in the AD function group in grades AD5 to AD8. In particular, AST officials may access the AD function group through the certification procedure or through internal and external competitions, and AST temporary agents may do so through competitions. A similar effect is observed for contract agents in the function groups IV and III, as well as Blue Book trainees. Through contracts transition and participation in competitions, these groups also have an influence on the geographical distribution of AD laureates on reserve lists leading to the appointment of AD officials. It is therefore necessary to monitor the geographical balance of these staff categories and to provide, where appropriate, for the extension of relevant measures to address emerging significant disparities.
- (15) To ensure a smooth transition to the new framework for assessing geographical balance, the initial classification of each nationality as either appropriately represented or under-represented upon the entry into force of this Decision is the one established under the report on geographical balance. Additionally, the current guiding rates should continue to apply for the period between the date of entry into force of this Decision and 31 December 2025. The new formula for calculating guiding rates established under this Decision should apply as of 1 January 2026.
- (16) Appropriate measures and supplementary measures implemented according to this Decision apply to the selection and recruitment of temporary agents under the Commission Decision C(2025) 4716 laying down general implementing provisions for the engagement and use of temporary staff under the terms of Article 2, points (a), (b) and (d) of the Conditions of Employment of Other Servants, and amending Decision C(2013) 9049.

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

1. This Decision lays down rules on the assessment and the monitoring of the geographical composition of staff in the Commission, as well as on the application of appropriate measures to re-establish and maintain the geographical balance of staff in the Commission. It aims to ensure the geographical balance of officials and temporary agents performing non-linguistic and non-managerial functions in the administrator (AD) function group.

2. The Directorate-General for Human Resources and Security shall be responsible for the implementation of this Decision. This Decision does not change the powers of the Appointing Authority or the Authority Authorised to Conclude Contracts of Employment ('the Appointing Authority'), pursuant to Commission Decision C(2021) 9126, as amended by Commission Decision C(2023) 6797, in particular the powers conferred on the Joint Research Centre and the European Antifraud Office.

Article 2

Definitions

For the purpose of this Decision, the following definitions apply:

- (a) 'Trainees' means any person undertaking an internship with the European Commission under the Blue Book Traineeship Programme⁶ or the Joint Research Centre Scientific Traineeship Programme⁷.
- (b) 'Guiding rate' means a numerical indicator of the theoretical minimum presence of nationals from a Member State among Commission staff, as defined along the formula set in Article 4.

Article 3

Purpose and scope of the assessment and monitoring

1. The geographical composition of Commission staff shall be assessed to evaluate the need to take appropriate measures and supplementary measures referred to in Articles 11 and 12.
2. The geographical composition of Commission staff may also be monitored to identify trends, in accordance with the details set out in Articles 6 and 9. The results may be used for the purpose of reporting on geographical balance of staff and for administrative governance.
3. The assessment shall be carried out each year for each nationality based on the composition of staff on 31 December of the previous year, in accordance with the methodology laid down in Article 5. The assessment shall identify appropriately represented nationalities and under-represented nationalities as defined in Article 5(4) and (5) among Commission staff.
4. The geographical composition of Commission staff categories that are monitored under Article 6(2) may also be assessed.
5. The assessment and monitoring, as referred to in paragraphs 1 and 2, shall be done on the basis of the guiding rates defined for each nationality, in accordance with Article 4.
6. The guiding rates shall not be applied for the monitoring, performed under Article 6, of officials occupying middle management positions, or posts of senior officials, as

⁶ Commission Decision C(2005) 458 of 2 March 2005 on rules governing the official trainings scheme of the European Commission.

⁷ Rules governing the scientific traineeship programme in the Joint Research Centre ARES(2025)2837432 of 8 April 2025

those are subject to distinct selection and appointment procedures, which may include specific policy on geographical balance.

7. For the implementation of appropriate measures and supplementary measures, as referred to in Articles 11 and 12, the geographical composition of staff may also be assessed at the level of services.
8. Staff members performing linguistic functions are excluded from the scope of this Decision, which entails that they are not covered by the assessment, monitoring, and application of appropriate or supplementary measures for the purpose of geographical balance.

Article 4

Guiding rates

1. A guiding rate shall be calculated for each Member State nationality, based on their number of Members of the European Parliament (MEPs) and their population. The guiding rate shall be equal to the result of the following formula:

$$0.8 * \frac{\textit{Number of Member State's MEPs}}{\textit{Total number of MEPs}} + 0.2 * \frac{\textit{Member State's population}}{\textit{Union population}}$$

The population figures for each Member State shall be those set out in Annex III to the Rules of Procedure of the Council⁸.

The guiding rate shall be expressed as a percentage, to two decimals (xy.zt%).

2. The guiding rates shall be recalculated if there is a change in the number of MEPs per Member State and, if appropriate in view of significant variation of the Member States' populations, following the publication in the *Official Journal of the European Union* of the decision referred to in Article 11(6) of the Annex to the Rules of Procedure of the Council.

Article 5

Assessment methodology

1. The assessment of the geographical composition of staff shall cover:
 - (a) officials in the AD function group in grades AD5 to AD8; and
 - (b) officials and temporary agents, in the AD function group, in grades AD5 to AD8.
2. The actual presence of a nationality in each category referred to in paragraph 1 shall be measured as follows:

$$\frac{\textit{Number of nationals of the Member State concerned in the category examined}}{\textit{Number of Union nationals in the category examined}}$$

⁸ Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35, ELI: <http://data.europa.eu/eli/dec/2009/937/oj>), as amended by Council Decision (EU, Euratom) 2024/3231 of 17 December 2024 (OJ L 3232, 27.12.2024, p.1)

3. The initial classification of each nationality as either appropriately represented or under-represented upon the entry into force of this Decision is attached in Annex 1.
4. A nationality shall be deemed to be appropriately represented when its actual presence is at least equal to 80% of the relevant guiding rate in the category referred to in paragraph 1, point (a), for two consecutive years.
5. A nationality shall be deemed to be under-represented when its actual presence is lower than 80% of the relevant guiding rate either:
 - (a) at the level of officials in the AD function group in grades AD5 to AD8, for three consecutive years; or
 - (b) at the level of officials and temporary agents, in the AD function group, in grades AD5 to AD8, for two consecutive years.
6. Whenever the yearly assessment shows that neither the conditions set out in paragraph 4 nor those set out in paragraph 5 are met, the nationality concerned shall retain its most recent classification until a following yearly assessment shows that either conditions are met again.
7. Where the assessment determines that both the conditions of paragraphs 4 and 5(b) are satisfied, paragraph 4 shall take precedence.

Article 6

Monitoring

1. Monitoring shall cover:
 - (a) all officials and temporary agents in the AD function group, in grades AD5 to AD16;
 - (b) officials and temporary agents in the AD function group, in grades AD5 to AD16, who do not perform managerial functions;
 - (c) officials and temporary agents in the AD function group in grades AD5 to AD8.
2. Further to the monitoring under paragraph 1, the Directorate-General for Human Resources and Security may monitor the presence of nationalities at the level of:
 - (a) officials and temporary agents in the assistant's (AST) function group;
 - (b) contract agents in function group IV;
 - (c) contract agents in function group III;
 - (d) trainees.
3. The Directorate-General for Human Resources and Security may assess whether and how imbalances within the categories referred to in paragraph 2 could significantly affect the geographical balance of officials and temporary agents in the AD function group, referred to in paragraph 1.
4. The actual presence of a nationality in each category referred to in paragraphs 1 and 2 shall be measured as follows:

Number of nationals of the Member State concerned in the category examined

Number of Union nationals in the category examined

Article 7

Staff member's nationality

1. For the purpose of this Decision, where a staff member holds several Member States's nationalities, their nationality for the purpose of geographical balance shall be the one they declared as first nationality as recorded in the Commission's HR management information system. Staff members may declare a change in their first Member State nationality, subject to the production of appropriate evidence.
2. By way of derogation from paragraph 1, staff members holding British citizenship who, after 29 March 2017, declared a change in their first nationality shall nonetheless be deemed to have retained British nationality as their first nationality for the purpose of ensuring a non-biased representation of staff within the Commission, unless they provide proof that they no longer hold British nationality.

Article 8

Administrative status

Only staff in active employment, secondment in the interests of the service, leave for military service or parental or family leave within the meaning of Article 35 of the Staff Regulations shall be taken into account for the purpose of assessing geographical balance.

Article 9

Prospective Analysis

Where the assessment carried out in accordance with Article 5 has shown that a nationality is under-represented, the Directorate-General for Human Resources and Security shall evaluate whether appropriate measures pursuant to Article 11 are needed based on a prospective analysis that takes into account the following aspects:

- (a) the trend in terms of share and absolute figures of officials and temporary agents in grades AD5 to AD8, assessed together and separately, over the past six years;
- (b) the trend in terms of share and absolute figures of all officials and temporary agents in grades AD5 to AD16, assessed together and separately, over the past six years;
- (c) the trend in terms of share and absolute figures of officials and temporary agents performing non-managerial functions in grades AD5 to AD16, assessed together and separately, over the past six years;
- (d) projected retirements of officials in the next five years;
- (e) participation rates in open competitions over the last three years;
- (f) success rates in open competitions over the last three years;
- (g) Member States' initiatives and efforts to address their under-representation among Commission staff, including those in cooperation with the Commission.

Article 10

Initiation and implementation of appropriate measures

1. Following the prospective analysis, the Directorate-General for Human Resources and Security shall conclude whether the application of appropriate measures under Article 11 is required.

2. The Directorate-General for Human Resources and Security may conclude that no appropriate measures under Article 11 are required for a specific under-represented nationality, if it finds that the level of representation for that nationality is likely to improve in the short term without the implementation of such measures.
3. Where, after the prospective analysis, the Directorate-General for Human Resources and Security concludes that appropriate measures are required, it shall define such measures, following a consultation of the Secretariat-General.
4. Directors-General and Heads of Service shall ensure the implementation of the measures referred to in paragraph 3 within their Directorate-General or Service.
5. Appropriate measures shall aim to re-establish and maintain the theoretical minimum presence among Commission officials and/or temporary agents, from under-represented nationalities, occupying the type of post Administrator as defined in Annex I, paragraph A, of the Staff Regulations⁹.
6. All appropriate measures shall be proportionate and limited to what is strictly necessary to attain their goal. They shall in particular never result in:
 - (a) recruiting persons who do not meet the highest standards of ability, efficiency and integrity of the Union civil service;
 - (b) reserving posts for nationals of a specific Member State.

Article 11

Appropriate measures

Appropriate measures are applicable to the appointment of competition laureates and/or the recruitment of temporary agents to occupy the type of post Administrator as defined in Annex I, paragraph A, of the Staff Regulations. The following measures may be taken:

- (a) interviewing at least one suitable person from under-represented nationalities for each post to be filled;
- (b) if the merits of candidates are substantially the same, giving preference to a candidate from an under-represented nationality;
- (c) taking into account, as part of the assessment of the interests of the service to be carried out by the Appointing Authority at the time of recruitment, not just the request by the recruiting service but also the wider interests of the institution to be staffed in a geographically balanced way;
- (d) applying nationality-based recruitment targets (indicative objectives or similar controls on recruiting services for the appointment of officials and/or the recruitment of temporary agents from under-represented nationalities).

⁹ Commission Decision on types of post and post titles C(2013) 8979

Article 12

Supplementary measures

Where an assessment under Article 6(3) leads to the conclusion that significant imbalances in the categories referred to in Article 6(2) affect the geographical balance of officials and temporary agents in the AD function group and contributes significantly to the under-representation of a nationality as referred to in Article 5(5), the Directorate-General for Human Resources and Security may decide to apply one or more of the measures listed in Article 11 to officials and temporary agents in the AST function group, to contract agents in function groups III and IV, or to trainees.

Article 13

Entry into force and application

1. This Decision shall enter into force on the day following its adoption.
2. Article 4 shall apply from 1 January 2026. For the period between the date of entry into force of this Decision and 31 December 2025, the guiding rates set out in Annex 2 shall be applicable.

Done at Brussels, 6.11.2025

For the Commission

Piotr SERAFIN

Member of the Commission