



Panoptique

[Special **E**dition]

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Analysis of GIPs for CA For ALL v.1

- ✓ Discover the changes and our analysis of the 2017 GIPs for CA
- ✓ From recruitment to contract end / retirement, know everything about a CA's career
- ✓ AC mobility :
Myth or reality?
- ✓ The CA category dates back to 2004; the number of CA staff employed by the Commission has tremendously increased. In 2015, they represented more than 7 000 staff members, in other words, 20% of all Commission staff.
- ✓ Following the 2014 reform, the new RAA provisions in regard to pension rights apply and every CA ought to analyse individually his or her situation before deciding to possibly change contract (acquisition rights and pension age may vary)
- ✓ Many points should still be improved in the CA statute

Only the French version is legally valid

Conf-SFE





Giustina

SCIARRABONE

President SFE

*« Because the
Union, it is YOU
too, it is
important to
join and
reinforce our
fight and our
work !... »*



EDITO

In this "Special Panoptic", you will find the Conf-SFE analysis of the new General Implementing Provisions governing the conditions of employment of contract staff engaged by the Commission under Articles 3a and 3 b of the Conditions of Employment of Other Servants.

Our analysis aims at helping you understand these new provisions and at shedding light on the changes made. Our union wants you to keep up to date with the evolution of the regulations governing your working conditions to help you, when necessary, to take useful decisions with all the necessary elements to do so.

However, we would like to inform you that our analysis is not a substitute for the Administration's interpretation of these new rules. Only the future application of these by the Commission or the other institutions will enlighten us on this point.

Our union was present during the negotiations preceding these new measures, but like other representative organisations, had only a limited room to manoeuvre as regards the rules finally adopted.

We wish you a good reading and remain at your disposal.

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1. WHAT DO YOU NEED TO KNOW?

About the GIPs

- Since 2004, the provisions governing the conditions of employment of contract staff have been adapted several times (*see point 24. GIP: History*).
- Commission C decision (2011) 1264 of March 2, 2011 has been revised following the new needs and recent developments, including the selection and recruitment process, as well as the statutory framework following the amendments introduced by the revision of the Staff Regulations and the Conditions of Employment of Other Servants of the European Union (CEOS) applicable since 1 January 2014.
- This last revision of the provisions governing the conditions of employment of CA staff was initially part of the Commission's talent management policy. It aimed at optimizing the recruitment process and offering recruitment opportunities to the most deserving contract agents together with additional career opportunities.
- As of July 2015, the social dialogue negotiations on the implementing rules were opened by the administration.
- The concerns expressed regarding the mobility of CAs, the continuity of contracts and the provisions applicable to classification and pension rights, were expressed at every negotiating meeting between the administration and the trade unions.
- The conditions of employment of contractual staff under Article 3a and those covered by Article 3b of the CEOS have been harmonised. These harmonisations are often negative for these agents.
- In general, these provisions have been simplified, but above all they have enabled the Commission to make considerable new savings on this category of staff.
- Although agreements were not reached on all points, the new decision C (2017) 6760 was adopted on 1 November 2017 by the Commission.
- The text of this last decision was negotiated at the Commission level only, with the staff representation of the Commission only. Among them, there was a minority of CA 3a and CA 3b, being in institution with a fixed-term contract.
- Negotiated at the Commission only, this decision was nevertheless also adopted by analogy/ applied to in the executive agencies. The contract agents in these agencies are however mostly CA 3a.

Since the creation of the contract agent category in 2004

- Contract agents are scattered in different institutions: in the Commission, in the offices / representations / delegations but also in the executive agencies (emanations of the Commission) and regulatory agencies.
- The number of contract agents employed by the Commission has increased significantly since 2004.
In 2015, they represented more than 7000 contract agents, which means about 20% of the Commission's staff.
- For the majority of them, they share the same expectations but, are very unfortunately not treated in a reciprocal way.

- Although the executive agencies are emanations of the Commission, their staff "contract agents" is not part of the 20% of the staff contract agents of the Commission.
- The 2014 reform brought considerable changes in the conditions of employment of all staff in the Institutions. At the time of their appointment, the contract agents signed their contract under pre-reform conditions. In case of mobility, they are forced to sign a new contract with the conditions of the 2014 reform.

NUMEROUS POINTS HAVE STILL TO BE IMPROVED IN THE STATUS OF CONTRACTUAL AGENTS

Fourteen years after the creation of the contract agent status, this last decision C (2017) 6760 did not provide solutions to the various issues the contract agents raised.

In particular:

- The end of the evolution of rank in their function group: With an average age of 35-40, some contract agents are already at the end of their career.
- No prospects for contract agents of function group IV
- Mobility in other institutions or change to a higher function group, compromised because of the loss of certain gains during the change of contract (2014 reform conditions).
- CA 3a staff of the executive agencies are disadvantaged in comparison to CA 3a of the Commission:
 - The lack of recognition in the social dialogue of the Commission: the rules of their statute are mainly negotiated with the staff representation of the Commission, which they are not part of.
 - No union recognition in the executive agencies: the unions are the main actors in the social dialogue. They accompany agents in their dealings with the administration and their employers.
 - Internal Commission contests not possible.
 - Commission's Junior Professionals Pilot Program not available.
 - Mobility in another agency/ institution limited: This must always go through a new contract. Unlike office staff who can access different posts in other directorates or in other countries without having to sign new contracts (OIB, OIL, Commission services, etc.), the contract agents staff can only move internally within their agency, if they do not wish to change their contract.
 - End date of the executive agency: In the case of "recovery of debts" or "withholding of sums improperly collected" from a contract agent 3a of an executive agency, the reimbursement must be made at the latest, at the end date of the executive agency. The latter has a lifespan limited to the duration of a framework program. The agent will have to repay his/her debt before the end date of the agency (eg 2023). Date to review if the agency extends its life.

THE RULE ON THE MAXIMUM DURATION OF THE USE OF NON PERMANENT STAFF IN THE COMMISSION'S SERVICES (7 YEAR RULE)

The provisions concerning the 7-year rule will normally be adapted to remove from the total the period worked as END, which happens quite often with the GF IV.

For a possible future extension, DG HR first analyses the interest of the service and the needs of the Directorate-General (DG) where the contract agent works.

If justified, for example in the case of very specific competences or the completion of a project for which the departure of the contract agent would be a problem, DG HR could follow up the request of the DG.

Each staff member concerned is invited to contact DG HR to analyze his/her personal file.

Evolution of this rule which went from 6 to 7 years

- Commission Decision C (2013) 9028 of 16 December 2013 extended the maximum duration from 6 years to 7 years as from 1 January 2014 and introduced the fact that the first 3 years as an interim staff are not counted.
- Commission Decision C (2011) 7071 of 5 October 2011 amended Decision C (2004) 1597/6 of 28 April 2004 on the maximum duration of recourse to non-permanent staff in the Commission services by introducing the possibility:
 - o to extend existing contracts
 - o to grant new contracts to non-permanent staff beyond the maximum period of 6 years, if the interest of the service so justifies (see point 5 of decision C (2011) 7071).
- Decision C (2004) 1597/6 of 28 April 2004 on the maximum duration of the use of non-permanent staff in the services of the Commission

A FEW WORDS ABOUT THE END OF CONTRACTS

SFE has found a legal vacuum in the payment of european unemployment allowances.

Indeed, several former colleagues found themselves without european unemployment allowances, under the pretext that they worked again. This makes sense if co-workers work full-time, but not if they work part-time since they are still part-time "jobseekers".

Since this is a dramatic financial loss for these people, our union and our Belgian national partner, ACV/ CSC, are following this issue closely!

EUROPEAN SCHOOLS

In the event of termination of contract by a contract agents, access to the European schools ends unless the outgoing agent takes charge of the minerval and the cost of school transportation.

UNPAID LEAVE (UL)

The rules are defined by Articles 81 and 91 of the conditions of employment of other servants of the European Union(CEOS) and Commission Decision IA 66-2013.

The maximum duration of unpaid leave throughout the entire career is only 1 year (as opposed to 12 years for civil servants).

This very short duration, limited to the career of the contract agent, must be taken into account when considering taking this leave. Indeed, once the balance is exhausted, the agent will not be able to consider this solution, even for family reasons.

GUARANTEES OF PENSION AND SOCIAL PROTECTION

Only contract agents who will have worked 10 years and 1 day in the services of the institutions will be entitled to a Community pension (under certain conditions determined by age).

At the level of social protection (affiliation):

For contractual agents on permanent contracts in the Institutions / Executive Agencies as well as for contractual agents whose initial contract is one year or more, health insurance cover is automatic from the 1st day of the contract (contribution 1.7% and 0.1% for accident cover).

For contractual agents whose initial contract is less than one year, they can choose between Community health insurance (same conditions as previously), or keep their national scheme for up to 6 months (contribution paid to the national scheme).

In this case, the other benefits, such as pension, unemployment, are linked to the national system.

In case of resignation / end of contract:

Contract agents who resign may, under certain conditions, apply for the extension of their affiliation for a period of six months after the termination of their contract, provided they can not be covered by a national social security scheme.

For contractual agents benefiting from Community unemployment allowances, the default cover will be complementary, except in the case where national health insurance cover is not possible.

For contract staff members receiving a retirement pension and provided that they have been under contract for more than 3 years, they will remain affiliated to JSIS.

CONTRACTUAL AGENTS = CREDITS

Contract agents do not appear in the establishment plan as they are considered as 'credits'. Their number within the institutions varies according to the amount of budget allocated to these credits.

Each year the Commission write a report, given the statutory obligation under Article 79 (3) of the Conditions of Employment of Other Servants of the European Union (hereinafter referred to as the Conditions of Employment), which provides that 'the Commission shall submit an annual report on the use of contractual agents, which indicates the number of agents, the level and type of jobs, geographical distribution and budgetary resources by function group ".¹

The budget data includes the CAs present at the time of submission of the draft budget and the CAs recruited from the assigned revenue.

TYPES OF CONTRACT AGENTS

	FR	EN
Contract agent	3bis	3a
	3ter	3b

¹ See the Council report COM(2015) 67 final

2. SUMMARY OF THE MAIN CHANGES

Point	Articles	↘ Decrease ↗ Improvement – Steady
4	Scope	–
5	Function groups	↘ Fewer opportunities for CA
6	Selection	↘ Less freedom for candidates
7	Minimum conditions and qualifications for engagement	↘ For FGI
8	Classification in the function group	↘ for future CA 3b ↗ for future CA 3a
9	Duration of CA 3a contracts	↘ no interruption between contracts ↗ faster for futures CA 3a
10	Duration of CA 3b contracts	↘ no interruption between contracts ↗ until 6 years
11	Change of assignment	– Amendment to the contract
12	Successive contracts	–
13	Probationary period	–
14	Notice of end of contract	–
15	Annual appraisal	↗ for CA 3b but with negative effect on their future if their evaluation is negative
16	Reclassification	–
17	Changing function group	↗ <u>only</u> if the exceptional procedure is followed by the services. ↘ not possibilities for FG IV
18	Mobility	–risk of loss of assets if change of institution
19	Participating in an internal competition for officials	–
20	Private-law contracts	
21	Transitional provisions	↗ CEI (<i>call for expressions of interest</i>)
22	Monitoring and evaluation	
23	Final provisions and entry into force	–

Scope (see point n°4).

The appointment of contract agents by the European Commission can be done within its services but also in the administrative offices, representations and delegations of the European Union.

Function groups (see point N°5).

Services intended to accommodate certain groups of contract agents and the reasons for which they have been engaged are no longer indicated in this point.

Abolition of the possibility of appeal to the AACC (authority authorised to conclude contracts) if the Contractor notices a change in the job description and considers that his / her new duties fall within a different function group.

Selection (see point N°6).

Now the Commission can ask EPSO to organise a selection procedure for contract agents.

Following the call for expression of interest, candidates can only register in the database and wait, without any certainty to be called, that a recruiting service invites them to take a test.

Deletion of the maximum 18-month "exceptional" appointment of a person who is the laureate of an official competition as contract agent 3b or 3a. This small gateway for the competition laureate may also disadvantage him/her in the case of recruitment as a civil servant, especially if his/her work as a contract agent is not satisfactorily recognised during his annual evaluation.

For contract staff, competition laureates but also officials on personal leave are competitors who come to obstruct the mobility of contract staff but also the possible availability of vacancies in a higher function group.

Calls for expressions of interest for contract agents generally attract a large number of highly qualified candidates. At the moment, in the lower grades, competition will be much higher since all the candidates having passed higher CASTs will also be in the list of potential candidates. Significant savings will be made thanks to this new procedure which reduces the number of candidates who sit the tests.

The Joint Commission² risks being little or not consulted.

Overall, this new selection procedure gives greater freedom to the services and means a lot of uncertainty for the candidates.

Candidates / contract agents who have passed a CAST and those resulting from the CEI (*call for expressions of interest*) will be on an equal position even though their objectives differ.

² Joint Committee : Annex II, section 2, article 2 of the Staff Regulations

Minimum qualifications and conditions of engagement (see point N°7).

The conditions and minimum qualifications for function groups II, III and IV which appeared in the old decision were removed to reflect the conditions laid down in the Conditions of Employment of Other Servants (CEOS) Regime. The old decision was more favourable for some contract agents, in particular for function groups I.

The same conditions are requested for function groups II and III. In practice, some function groups II do the work at function group level III (for example, PMO file managers).

The Joint Commission is no longer informed on an annual basis of the various commitments "on an exceptional basis" since this mention has disappeared.

Classification in the function group and grade (see point N°8).

Entry grades of CA 3b and CA 3a have been harmonized.

Future 3b contract agents, especially the more experienced ones, will have fewer entry grades since their experience will be taken into account differently.

Those who will be classified at the first grade of their function group at the time of their entry into service may be re-examined at the renewal of their contract as long as the total duration of their appointment has reached three years.

As for CA 3a, entry grades will be more favorable for new contract agents 3a. This will create differences between old and new CA 3a.

The classification is no longer determined during the establishment of the contract but on the date of entry into service.

Improvements concern the professional experience of freelance interpreters and translators. On the other hand, voluntary activities will no longer be taken into account.

Duration of CA 3a contracts (see point N°9).

CA 3a will be able to obtain a contract of indefinite duration more quickly but in case of interruption, the renewal cannot take place!

This should put pressure on CA 3a FGIV, since before renewing their contract for an indefinite period, they must demonstrate their ability to work in a third language (level 6), see CEOS, Article 85.3.

Duration of CA 3b contracts (see point N°10).

The first contract of 3b contract agents can be obtained more quickly but in case of interruption, the renewal cannot take place!

The total duration is six years, all types of tasks and all function groups as CA 3b taken together.

Change of assignment (see point N°11).

Amendments to the contract will be made in case of a change of assignment of CAs (3b and 3a) within the Commission.

A priori, there is no change in terms of employment (grade, evolution ...) but only at the level of the assignment and the post of the agent.

Successive contracts (see point N°12).

Overall, no big change. However, it is noted that in the former decision, a higher entry grade was reserved for contract agents 3b.

Probationary period (see point N°13).

At the latest five working days after the self-assessment, the reporting officer and the member of the contract agent shall engage in a formal dialogue.

In case of renewal of an initial six-month contract, the first six months of the initial contract are included in the total period of the probationary period.

Nothing new compared to the old decision if the outcome of the probationary period in a new function group immediately following a previous contract in a lower function group is unsatisfactory. The AACC (authority authorised to conclude contracts) shall endeavour to identify vacant posts within the institution corresponding to the previous function group. If such vacant posts are identified, the AACC may re-employ the staff member in his or her previous function group. The new contract shall be concluded in the grade, step and seniority that the staff member previously had in that function group.

Notice of end of contract (see point N°14).

Not too much change. However, the new GIPs allow a shorter duration to be defined in the case of agreement "between the contract agent, the assignment service and the AACC" despite the duration defined in the CEOS

As stated in article 47 of the CEOS, a fixed-term contract ends on its expiry date (see point 10: Duration of CA3b contracts).

Annual appraisal (see point N°15).

The evaluation applies to Contract Agents 3a but now it also applies to Contract Agents 3b from the beginning of the third year of appointment as CA 3b and for the reference period from 1 January as of December 31 of the previous year.

CA 3b only, ranked at the first grade of their function group at the time of their appointment, will be subject to a review at the renewal of their contract as long as the total duration of the appointment has reached three years.

The Staff Regulations and the CEOS do not provide evaluation of CA 3b. Their evaluation will have no impact on the budget envelope because we do not speak here of reclassification exercise as is the case for CA 3a.

However, the participation of CA 3b in the annual evaluation may have potential negative consequences on their career. If the 3b contract agent did not have a good experience in a unit, his evaluation report may overshadow him when looking for another job either within the same institution, or with other institutions.

For HR departments and units, the CA 3b evaluation exercise will generate additional work in the management of their reports, especially in case of mobility of these agents.

Reclassification in the next grade (see point N°16).

Despite the initial objectives of improving the conditions of employment of contract agents, this new decision leads to significant savings, among other things, thanks to the discount of the grades at the entrance of the contract agents.

Notwithstanding the constant demands of contract agents, real career prospects have not been negotiated.

The ranges of years of waiting for reclassification in a higher grade are still long, especially at the end of their career.

It should be noted that no solution has been found for function group I which remains blocked at only 2 reclassifications throughout the career and some of whose agents are already at the end of their career (aged between 35 and over).

Changing function group (see point N°17).

This point is not applicable to contractual agents function group IV!

For other contract agents, there are two possible procedures that allow AC 3a to access the next higher function group.

a) General Selection Procedure (CAST Permanent) for Contract Agents:

Following the latest changes, this selection process will cost the Commission less money as not all registered candidates will sit the tests. But, it also gives less freedom to candidates who want to take the tests and look for a job in services.

Thanks to the centralisation of all the AC 3a (GFI) from the Commission to the OIB, they now have the possibility to change their function group while keeping their contract of indefinite duration. Only offices and agencies can offer this perspective.

b) General selection procedure organized exceptionally by the AACC (Authority authorised to conclude contracts)

Although this solution exists, the modalities remain opaque and without any transparency.

Any new contract is linked to the conditions of the 2014 reform (pension contributions, retirement age, etc.).

Each agent must analyse his personal situation before “taking the plunge”.

Mobility (see point N°18).

In the event of a change of institution under the same grade or having a new function group either in the same department or in another institution, the agent will still have to sign a new contract subject to the 2014 reform rules subsequent changes in the level of his rights (pension, retirement age, etc.).

As in the previous decision, this new procedure allows mobility but does not guarantee the preservation of acquired rights (age of retirement, pension contributions, ...).

Thus, it is not real mobility for CA 3a.

However, the old decision gave more flexibility and benefited to each contract agent:

1. When looking for a job in the institutions of their choice, agents should not wait to be invited by the recruiting service of any institution;
2. Switching from CA 3a to CA 3b could be more beneficial for the agent at grade level;
3. It was not necessary to wait to be invited by the recruiting service to pass the CAST tests;
4. job search was more successful for the more active. Now, agents must first register in the permanent CAST, and then, without any certainty, wait to be called by a recruiting service. Although a special procedure has been put in place for 3a contract agents to obtain a higher grade, they must also register in the permanent CAST to be selected by the recruiting service in order to sit a CAST in a higher grade.

Participating in an internal competition (see point N°19).

In that decision, there is no precision about the frequency and the number of laureates in these internal competitions (the limit of 5% maximum of CA as laureates defined by the Staff Regulations applies). These are presented as additional career opportunities offered to the most deserving contract agents.

FGI CAs and contract agents of executive agencies (from FGI to FGIV) do not have access to internal competitions. Yet, they have been actively participating in the success of their agency / institution for years both in terms of the quality of their work and the reduced cost of their services. It is a shame that nothing has been planned for the most deserving.

It is more convenient to offload the responsibility on the reform of the Staff Regulations of 2014 than having been the author responsible for their exclusion from these competitions.

Private law contracts (see point N°20).

ECHO: These individual experts shall be employed in a non-member country without prejudice to their own training needs or administrative obligations, which should be fulfilled at the central office, or on missions to be carried out as part of humanitarian aid management in other non-member countries. They may, by way of exception and depending on circumstances related to the management of emergency assistance affecting one or more EU Member States, be deployed within the European Union for a period which may not in any case exceed one month (calculated over a six-month period).

JRC: The external contracts of the staff of the Directorate-General Joint Research Center (JRC) will be gradually converted into contracts of the CEOS.

Transitional provisions (see point N°21).

Transitional provisions have been foreseen to continue to recruit persons who applied as part of the call for expressions of interest .

As CA 3b staff recruited on the basis of calls for expressions of interest, they all must pass the selection tests prior to their contract being renewed.

Monitoring and evaluation (see point N°22).

The implementation of this new decision is centralized in DG HR.

Final provisions and entry into force (see point N°23).

These general implementing provisions (GIPs) C (2017) 6760 have entered into force on 1st November 2017 at the European Commission and in the first months of 2018 in Executive Agencies.

During this transitional period, the old decision was applicable in the executive agencies whereas in the Commission, the new decision had already into force.

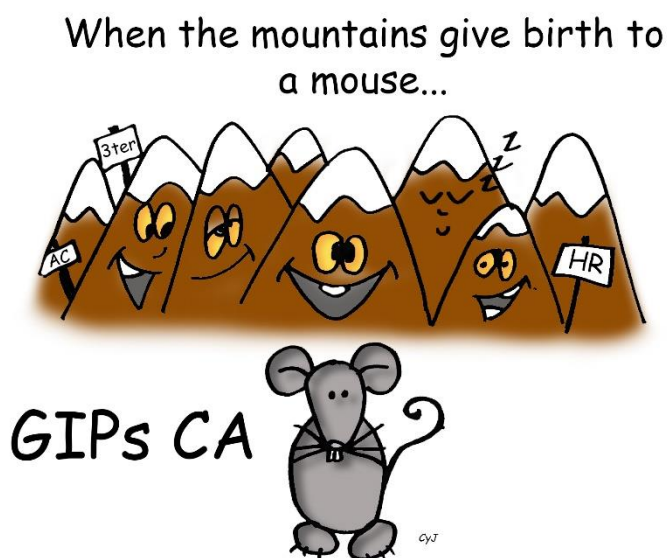
Contract agents in activity but also candidates waiting for an offer of recruitment, had to be attentive to the differences between the two decisions. In particular, in order to know their classification but also the number of years of experience to be argued to reach a higher grade.

Other questions remain about the profile and the selection tests to be successful.

In this part, we find the detail of these questions as well as the documents that were repealed by this last decision.

DGE: Historical (see point N°24)

This section offers the evolution of the different general implementing provisions relating to the procedures governing the engagement and employment of contract staff at the Commission from 2004 to today.



3. HOW TO READ THIS DOCUMENT?

Below of each title, you will find the following information:

BEFORE	ARTICLE NUMBER	OLD DECISION NUMBER
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Text of the old decision of the GIPs (General Implementing Provisions) for Contract Agents.

NOW	ARTICLE NUMBER	NEW DECISION NUMBER
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Text of the new decision of the GIPs (General Implementing Provisions) for Contract Agents.

CHANGES IN THE TEXT

- Differences of text between article of old and this of the new decision of GIPs
- Or differences of text between CA 3a procedures and those for CA 3b (see the point 6 about Selection procedure)

STAFF REGULATIONS/ CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION (CEOS).

Resumption of articles of Staff Regulations/ CEOS mentioned in the text of the new decision.



Main changes and/or comments of the SFE.

4. SCOPE (AND TERMINOLOGY)

BEFORE	ARTICLE 1	C(2011) 1264
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This Title shall apply to the conditions of employment of the contract staff covered by Article 3a of the CEOS (hereinafter referred to as 'contract staff') and to the contract staff for auxiliary tasks covered by Article 3b of the CEOS (hereinafter referred to as 'auxiliary contract staff') engaged by the Commission

- in Commission departments,
- in the European Anti-Fraud Office (OLAF) and the Office for Official Publications of the European Union (OP).
- in the European Personnel Selection Office (EPSO).
- The terms 'contract staff' and 'auxiliary contract staff' are used to refer only to those categories. Only the term 'staff member' refers to both of the above categories.

Now	ARTICLE 1	C(2017) 6760
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This Decision shall apply to the conditions of employment of contract staff covered by *Article 3a of the CEOS* ('CA 3a') and contract staff covered by *Article 3b of the CEOS* ('CA 3b') engaged by the European Commission:

- in its departments, in particular administrative offices, representations and EU delegations;
- in the European Personnel Selection Office (EPSO);
- in the Publications Office of the European Union (OP);
- in the European Anti-Fraud Office (OLAF).

For the purposes of this Decision, the European Anti-Fraud Office (OLAF), the Publications Office of the European Union (OP) and the European Personnel Selection Office (EPSO) shall be treated in the same way as the Commission departments.

The terms 'CA 3a' and 'CA 3b' are used to refer exclusively to these categories, while the term 'contract staff' refers to both types of contract staff.

CHANGES IN THE TEXT

~~This Title Decision shall apply to the conditions of employment of the contract staff covered by Article 3a of the CEOS (hereinafter referred to as 'contract staff' ('CA 3a')) and to the contract staff for auxiliary tasks covered by Article 3b of the CEOS (hereinafter referred to as 'auxiliary contract staff' ('CA 3b')) engaged by the European Commission.~~

- ~~→ in Commission departments.~~
- ~~→ in the European Anti-Fraud Office (OLAF) particular administrative offices, representations and the Office for Official Publications of the European Union (OP) EU delegations.~~
- ~~→ in the European Personnel Selection Office (EPSO).~~
- ~~→ in the Publications Office of the European Union (OP).~~
- ~~→ in the European Anti-Fraud Office (OLAF).~~

~~For the purposes of this Decision, the European Anti-Fraud Office (OLAF), the Publications Office of the European Union (OP) and the European Personnel Selection Office (EPSO) shall be treated in the same way as the Commission departments.~~

~~The terms 'contract staff CA 3a' and 'auxiliary contract staff CA 3b' are used to refer only exclusively to these categories. Only, while the term 'staff member contract staff' refers to both types of the above categories contract staff.~~

CEOS: Article 3a

1. For the purposes of these Conditions of Employment, contract staff means staff not assigned to a post included in the list of posts appended to the section of the budget relating to the institution concerned and engaged for the performance of full-time or part-time duties:

- (a) in an institution to carry out manual or administrative support service tasks,
- (b) in the agencies referred to in Article 1a(2) of the Staff Regulations,
- (c) in other entities inside the European Union created, after consultation of the Staff Regulations Committee, by specific legal act issued by one or more institutions allowing for the use of such staff,
- (d) in Representations and Delegations of Union institutions,
- (e) in other entities situated outside the European Union.

Staff engaged for the performance of full-time or part-time duties in Union delegations may be temporarily assigned to the seat of the institution under the mobility procedure set out in Articles 2 and 3 of Annex X to the Staff Regulations.

2. The Commission shall, on the basis of information provided by all institutions, submit a report to the budgetary authority each year on the employment of contract staff, which shall state whether the overall number of such members of the contract staff has remained within a limit of 75 % of all employees in agencies, in other entities inside the European Union, in Representations and Delegations of Union institutions and in other entities situated outside the European Union respectively. If this limit has not been respected, the Commission shall propose to the agencies, the other entities inside the European Union, Representations and Delegations of Union institutions or other entities situated outside the European Union respectively, to take the appropriate corrective measures.

CEOS: Article 3b

For the purposes of these Conditions of Employment, contract staff for auxiliary tasks means staff engaged in an institution within the time limits set in Article 88 in one of the function groups referred to in Article 89:

- (a) to perform full-time or part-time duties others than those referred to in Article 3a(1)(a), without being assigned to a post included in the list of posts appended to the section of the budget relating to the institution concerned,
- (b) to replace, after the possibilities of temporary posting of officials within the institution have been examined, certain persons who are unable for the time being to perform their duties, namely:
 - (i) Officials or temporary staff in function groups AST/SC and AST;
 - (ii) exceptionally, officials or temporary staff in the function group AD occupying a highly specialised post, except Heads of Unit, Directors, Directors General and equivalent functions.

Except in the cases referred to in the second subparagraph of Article 3a(1), the use of contract staff for auxiliary tasks is excluded where Article 3a applies.



In this point, the engagement of contractual agents by the European Commission is more detailed. It includes "within its services, including administrative offices, representations and delegations of the European Union".

5. FUNCTION GROUPS

BEFORE	ARTICLE 2	C(2011) 1264
1.	Contract staff are engaged by the Commission to perform full-time or part-time duties in a post not included in the list of posts:	
	a. in Commission departments: solely to carry out manual or administrative support service tasks in function group I,	
	b. in the Commission's administrative offices, EPSO, the Commission's representations and European Union delegations: to perform the tasks referred to in Article 80(2) of the CEOS, in function groups I, II, III and IV.	
2.	Auxiliary contract staff are engaged by the Commission to perform tasks other than those referred to in Article 3a of the CEOS in a post not included in the list of posts, or to replace an official or member of the temporary staff who is temporarily unable to carry out his or her duties.	
3.	The authority authorised to conclude contracts of employment shall determine the function group of recruitment based on a job description entered in the IT system by the department to which the staff member is to be assigned. The job description shall set out the duties and role of the staff member. The types of duties and corresponding function groups shall be as shown in the table in Article 80(2) of the CEOS.	
4.	A staff member whose job description has changed and who considers that his or her new duties relate to a different function group may refer the matter to the authority authorised to conclude contracts of employment. That authority may demand that the department concerned amend the job description to make it consistent with the staff member's function group.	

Now	ARTICLE 3	C(2017) 6760
The AECE shall determine the function group in which the member of the contract staff is engaged on the basis of <i>Article 80(2) of the CEOS</i> .		

The recruiting department shall draw up a job description to this end.

CHANGES IN THE TEXT

1. ~~Contract staff are engaged by the Commission to perform full time or part time duties in a post not included in the list of posts:¶~~
 - a. ~~in Commission departments: solely to carry out manual or administrative support service tasks in function group I;¶~~
 - b. ~~in the Commission's administrative offices, EPSO, the Commission's representations and European Union delegations: to perform the tasks referred to in Article 80(2) of the CEOS, in function groups I, II, III and IV.¶~~
 2. ~~Auxiliary contract staff are engaged by the Commission to perform tasks other than those referred to in Article 3a of the CEOS in a post not included in the list of posts, or to replace an official or member of the temporary staff who is temporarily unable to carry out his or her duties.¶~~
 3. ~~The authority authorised to conclude contracts of employment shall determine the function group of recruitment based on a job description entered in the IT system by the department to which the staff member is to be assigned. The job description shall set out the duties and role of the staff member. The types of duties and corresponding function groups shall be as shown in the table in Article 80(2) of the CEOS.¶~~
 4. ~~A staff member whose job description has changed and who considers that his or her new duties relate to a different function group may refer the matter to the authority authorised to conclude contracts of employment. That authority may demand that the department concerned amend the job description to make it consistent with the staff member's function group. ¶~~
- The AECE shall determine the function group in which the member of the contract staff is engaged on the basis of Article 80(2) of the CEOS.¶
 - The recruiting department shall draw up a job description to this end.¶

STAFF REGULATIONS/ CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION.

CEOS: Article 80(2)

2. The types of duties and corresponding function groups shall be as shown in the following table:

Function group	Grades	Duties
IV	13 to 18	Administrative, advisory, linguistic and equivalent technical tasks, performed under the supervision of officials or temporary staff.
III	8 to 12	Executive tasks, drafting, accountancy and other equivalent technical tasks, performed under the supervision of officials or temporary staff.
II	4 to 7	Clerical and secretarial tasks, office management and other equivalent tasks, performed under the supervision of officials or temporary staff.
I	1 to 3	Manual and administrative support service tasks, performed under the supervision of officials or temporary staff.



The services intended to welcome certain groups of contractual agents and the reasons for which contract staff (3a and 3b) have been engaged are no longer found in this point but under point 4. Scope and in Articles 3a and 3b of the Conditions of employment of other servants (CEOS).

Deletion of the paragraph mentioning the possibility to bring his/ her case before the AECE by the staff member if the latter notices a change in the description of his / her post and considers that his new tasks belong to a different function group.

A greater freedom is given to the service that no longer has to report to the agent.

A contrario, the agent no longer has the opportunity to bring his case before the AHCC in this situation

CA FGI

It is also important to note that since 2017, Contract Agents of Function Group I (CA 3a) are no longer directly linked to a Directorate-General. These CA have been centralized in the administrative offices of the Commission, mainly at the Brussels Infrastructure Office (OIB).

Unlike the Directorates-General where Contract Agents 3a were only engaged in Function Group I for the purpose of performing manual or administrative support tasks, Commission Administrative Offices engage Contract Agents 3a in all function groups. (I, II, III and IV).

This allows CA function group I to have the opportunity to move into a higher function group while keeping their indefinite contract.



6. SELECTION

BEFORE	ARTICLE 3	C(2011) 1264
1.	A member of the contract staff may be engaged only on condition that he or she passes the selection procedures laid down in Annex II; a member of the auxiliary contract staff may be engaged only on condition that he or she passes the selection procedures laid down in Annex III.	
2.	By way of derogation from paragraph 1, where justified in the interests of the service, the authority authorised to conclude contracts of employment may engage as a member of the contract staff or auxiliary contract staff a person who has passed a recruitment competition for officials, organised by one or more European institutions, considered to be appropriate to the duties to be performed. In this case, and if the selection procedures referred to in paragraph 1 are not successfully completed, the duration of the engagement (including any renewal) may not exceed 18 months. The Joint Committee shall be informed annually of the use made of this provision.	
3.	By way of derogation from paragraph 1, the Director-General of the Directorate-General for Human Resources may authorise the engagement as a member of the contract staff or auxiliary contract staff of an official who has been granted leave on personal grounds under Article 40(2)(ii) of the Staff Regulations.	
Now	ARTICLE 2	C(2017) 6760
(1)	Engagement as a 'CA 3a' or 'CA 3b' shall be conditional upon passing the selection procedure set out in Annex I.	
(2)	By way of derogation from paragraph 1, in exceptional cases, where justified in the interests of the service, the Authority Empowered to Conclude Contracts of Employment ('AECE') may recruit as a CA 3a or CA 3b a candidate who has passed a recruitment competition for officials considered to be appropriate to the duties to be performed. The AECE shall inform the Joint Committee annually of the use made of this provision.	
(3)	By way of derogation from paragraph 1, the Director-General of the Directorate-General for Human Resources ('DG HR') may authorise the engagement as a CA 3a or CA 3b of an official who has been granted leave on personal grounds under Article 40(2)(ii) of the Staff Regulations .	

CHANGES IN THE TEXT

1. → ~~A member of the contract staff may be engaged only on condition that he or she passes the selection procedures laid down in Annex II; a member of the auxiliary contract staff may be engaged only on condition that he or she passes the selection procedures laid down in Annex III.~~
- (1) → ~~Engagement as a 'CA^{3a}' or 'CA^{3b}' shall be conditional upon passing the selection procedure set out in Annex I.~~
- ~~2.(2)~~ → By way of derogation from paragraph ~~1~~¹, in exceptional cases, where justified in the interests of the service, the ~~authority authorised~~ Authority Empowered to ~~conclude contracts~~ Conclude Contracts of employment Employment ('AECE') may engage recruit as a member of the contract staff or auxiliary contract staff CA^{3a} or CA^{3b} a ~~person candidate~~ who has passed a recruitment competition for officials, organised by one or more European institutions, considered to be appropriate to the duties to be performed. ~~In this case, and if the selection procedures referred to in paragraph 1 are not successfully completed, the duration of the engagement (including any renewal) may not exceed 18 months.~~ → The AECE shall inform the Joint Committee ~~shall be informed~~ annually of the use made of this provision.
- ~~3.(3)~~ → By way of derogation from paragraph ¹, the Director-General of the Directorate-General for Human Resources ('DG-HR') may authorise the engagement as a ~~member of the contract staff or auxiliary contract staff~~ CA^{3a} or CA^{3b} of an official who has been granted leave on personal grounds under Article⁴⁰(2)(ii) of the Staff Regulations.

STAFF REGULATIONS/ CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION.

Staff Regulations: Article 40(2)(ii)

2. Without prejudice to the provisions of Article 15, the duration of such leave shall not exceed one year. Leave may be extended for further periods.

Extensions may be for periods not exceeding one year. The total length of leave on personal grounds may not exceed 12 years in the course of the official's entire career.

If, however, an official applies for such leave in order to be able:

- (i) to bring up a child considered as a dependant of the official within the meaning of Article 2(2) of Annex VII and who suffers from a serious mental or physical handicap recognised by the medical officer of the institution and who requires constant care or supervision; or
- (ii) to follow his spouse, the latter also being an official or other servant of the Union required in the course of his duties to establish his habitual residence at such a distance from the place of employment of the applicant official that the establishment of their conjugal home in such a place would inconvenience the applicant official in the performance of his duties; or
- (iii) to assist his spouse, a relative in the ascending line, a relative in the descending line, a brother or a sister in the case of medically certified serious illness or disability,

the leave may be extended without limits, provided that, at the time of each extension, the conditions which warranted the grant of the leave continue to be fulfilled.

Staff Regulations: Article 15

1. An official who intends to stand for public office shall notify the Appointing Authority. The Appointing Authority shall decide, in the light of the interests of the service, whether the official concerned:

- (a) should be required to apply for leave on personal grounds, or
- (b) should be granted annual leave, or
- (c) may be authorised to discharge his duties on a part-time basis, or
- (d) may continue to discharge his duties as before.

2. An official elected or appointed to public office shall immediately inform the Appointing Authority. The Appointing Authority shall, having regard to the interests of the service, the importance of the office, the duties it entails and the remuneration and reimbursement of expenses incurred in carrying out those duties, take one of the decisions referred to in paragraph 1. If the official is required to take leave on personal grounds or is authorised to discharge his duties on a part-time basis, the period of such leave or part-time working shall correspond to the official's term of office.

Staff Regulations: Article 2(2) of Annex VII

2. Dependent child means the legitimate, natural or adopted child of an official, or of his spouse, who is actually being maintained by the official.

The same shall apply to a child for whom an application for adoption has been lodged and the adoption procedure started.

Any child whom the official has a responsibility to maintain under a judicial decision based on Member States' legislation on the protection of minors shall be treated as a dependant child.



Overall, this new selection procedure gives greater freedom to the services and a lot of uncertainty for the candidates.

This new procedure is now described in a single annex. (Appendix I).

There are new **channels of contract agent engagement (3b and 3a)** that obstruct all those already in place.

In the selections, the candidates will end up with additional competitors like:

1. Laureates of competition officials
2. Officials on leave for personal convenience
3. Contract agents (3b and 3a) of higher function groups
4. Laureates of the old CAST AC lists
5. Candidates registered in the new CAST Permanent AC database.

➔ While thousands of contract agents are waiting for improvements ... The pilot project "Junior Professionals Program" is on the horizon

This other fancy and controversial solution becomes reality ... Become a civil servant quickly and without competition! A handful of lucky people are given the chance to become civil servants quickly and without much competition!

The Commission, still struggling to find talents, has just proposed a new recruitment procedure adapted to its needs.

The majority of contract staff and staff representatives are outraged by this pilot project as it is aimed at selecting some 40 young talents **working in the Commission** and who are Blue Book trainees, contract agents function group IV, temporary agents and then offering them temporary agent contracts for a period of 2 years. At the end of this program, they will be able to sit internal competitions to become civil servants.

But how will the candidates of this pilot project be selected?

These candidates will only come from the Commission. Among them, there will only be contract agents of function group IV.

But what about all other contract agents? Or staff from executive agencies, including blue book trainees who have been placed in these agencies?

What about laureates of external and internal competitions? AST having passed their certification? Temporary staff who do not work in the Commission but in the delegations and agencies? Contract agents of function group IV from delegations and executive agencies no longer have any other perspective of internal development.

Talents, we can find everywhere!

In this pilot project, there is no minimum guarantee of a transparent and fair recruitment process, given the absolute absence of staff representatives throughout the procedures. Even if they are invited to participate in these selections, they will probably be limited to an observation role.

Contract agents who have contributed for years to the success of their institution or executive agency, including the laureates of the last closed competitions that remained on the lists after the decided quota had been reached in the early days of the publication of the list, do not understand how these few people will be chosen to enter the Commission in a more advantageous way than them.

➔ ***Under this point, we note the abolition of the duration of 18 months at the time of recruitment "in exceptional circumstances", as contract agent, of a person who had passed a competition of official.***

1. Even if this solution is a small gateway for competition winners who wish to work in institutions, especially if they do not have a job, it can also block them for an indefinite period in the status of contract agent.
2. The institution that will make new savings on this type of contract agents recruitment without prior selection, will have the opportunity to test the skills of these "future civil servants" through annual assessments. In the event of a negative assessment, these agents may be less likely to receive an offer of recruitment as a staff member.

But how will all these candidates be selected? Should they also enroll in the permanent CAST and update their application to be selected for vacancies?

Remember!

1. There are no contractual agents 3b in Agencies and Offices.
2. The Joint Commission does not exist in the Executive Agencies

a) General principles

BEFORE

ANNEX II AND ANNEX III, ARTICLE 1

C(2011) 1264

General principles - CA auxiliary (Annex III)

1. **The selection procedure shall be organised by or under the responsibility of EPSO on the basis of a public call for expressions of interest** describing the selection procedure and the eligibility criteria for auxiliary contract staff.
2. The call for expressions of interest referred to in paragraph 1 shall be open to nationals of the Member States of the European Union. The Director of EPSO may issue a call for expressions of interest from nationals of other countries when such countries are in the process of acceding to the European Union.
3. Where justified in the interests of the service, the Director-General of the Directorate-General for Human Resources may ask EPSO to allow nationals of a country that is not an EU Member State to take part in a selection procedure by derogation from the first sentence of paragraph 2 of this Article.

General principles - CA (Annex II)

1. **The selection procedure shall be organised by or under the responsibility of EPSO on the basis of a public call for expressions of interest** describing the selection procedure and the eligibility criteria for contract staff.
2. The call for expressions of interest referred to in paragraph 1 shall be open to nationals of the Member States of the European Union. The Director of EPSO may issue a call for expressions of interest from nationals of other countries when such countries are in the process of acceding to the European Union.
3. Where justified in the interests of the service, the Director-General of the Directorate-General for Human Resources may ask EPSO to allow nationals of a country that is not an EU Member State to take part in a selection procedure by derogation from the first sentence of paragraph 2 of this Article.

Now

ANNEX I, ARTICLE 1

C(2017) 6760

1. In accordance with *Article 82(5) of the CEOS*, **the Commission may ask EPSO to organise a selection procedure for contract staff.**
2. A public call for expressions of interest is published, stating the profiles sought, the function groups corresponding to the various profiles, the selection method and the eligibility criteria. **The Joint Committee is consulted where the call for expressions of interest involves the simultaneous engagement of more than 10 contract staff per department for similar profiles and duties.**
3. In accordance with *Article 82(3)(a) of the CEOS*, the call for expressions of interest referred to in paragraph 2 may be opened to nationals of EU candidate countries, and, where justified by the needs of the service, to nationals of non-member countries.

Old decision: C(2011) 1264

→ Differences of general principles between CA auxiliary (Annex II) and CA(Annex III)

General principles ~~AC3b (Annex III)~~ AC3a (Annex II)

1. → The selection procedure shall be organised by or under the responsibility of EPSO on the basis of a public call for expressions of interest describing the selection procedure and the eligibility criteria for ~~auxiliary~~ contract staff. ¶
- ~~1-2.~~ → The call for expressions of interest referred to in paragraph 1 shall be open to nationals of the Member States of the European Union. The Director of EPSO may issue a call for expressions of interest from nationals of other countries when such countries are in the process of acceding to the European Union. ¶
- ~~1-3.~~ → Where justified in the interests of the service, the Director-General of the Directorate-General for Human Resources may ask EPSO to allow nationals of a country that is not an EU Member State to take part in a selection procedure by derogation from the first sentence of paragraph 2 of this Article. ¶

New decision C(2017) 6760

→ Changes in the text compared to the old decision C(2011) 1264

General principles ~~AC3b (Annex III)~~

- ~~1. → The In accordance with Article 82(5) of the CEOS, the Commission may ask EPSO to organise a selection procedure shall be organised by or under the responsibility of EPSO on the basis of a for contract staff. ¶~~
- ~~1-2 A public call for expressions of interest describing is published, stating the profiles sought, the function groups corresponding to the various profiles, the selection procedure method and the eligibility criteria for auxiliary contract staff. The Joint Committee is consulted where the call for expressions of interest involves the simultaneous engagement of more than 10 contract staff per department for similar profiles and duties. ¶~~
- ~~→ The In accordance with Article 82(3)(a) of the CEOS, the call for expressions of interest referred to in paragraph 1 shall 2. may be opened to nationals of the Member States of the European Union. The Director of EPSO may issue a call for expressions of interest from nationals of other EU candidates countries when such countries are in the process of acceding to the European Union. ¶~~
- ~~1-3 Where, and, where justified in by the interest needs of the service, the Director-General of the Directorate-General for Human Resources may ask EPSO to allow nationals of a country that is not an EU Member State to take part in a selection procedure by derogation from the first sentence of paragraph 2 of this Article. nationals of non-member countries. ¶~~

STAFF REGULATIONS/ CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION.

CEOS: Article 82(5)

4. The European Personnel Selection Office shall, at their request, provide assistance to the different institutions with a view to the selection of contract staff, in particular by defining the contents of the tests and organising the selection procedures. The Office shall ensure the transparency of selection procedures for contract staff.

CEOS: Article 82(3)(a)

3. A member of the contract staff may be engaged only on condition that he:

- (a) is a national of one of the Member States, unless an exception is authorised by the authority referred to in the first paragraph of Article 6, and enjoys his full rights as a citizen;

CEOS: Article 1

These Conditions of Employment shall apply to servants engaged under contract by the Union . Such servants shall be:

- temporary staff,
- contract staff,
- local staff,
- special advisers ,
- accredited parliamentary assistants.

Any reference in these Conditions of Employment to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice-versa, unless the context clearly indicates otherwise.

CEOS: Article 6

Each institution shall determine who shall be authorised to conclude the contracts referred to in Article 1.



The Commission can now ask / instruct EPSO to organise a Contract Agent selection procedure.

THE NEW CONTRACTUAL AGENT SELECTION PROCEDURE

Less freedom for candidates

The new selection procedure offers much less freedom to candidates who can just enroll in the permanent CAST data base³, without any guaranty to be called by a recruiting service to sit the CA test

CA calls for expression of interest usually attract a very large number of highly qualified candidates. Subsequent savings are made as only a limited number of people registered in the data base will actually be preselected by the recruiting service to sit a test.

It should be pointed out that candidates should regularly "extend" their registration as if they do not do it, their candidacy will automatically be closed without warning on their account. (see call for expression of interest on permanent CAST : https://epso.europa.eu/apply/job-offers_en).

More competition in lower grades

Competition will be much higher as all candidates who passed any CAST are automatically enlisted at lower levels and do hence compete in the selection procedure of lower function groups.

1. It strongly diminishes the chances of candidates without higher qualifications
2. It will allow recruiting high-level candidates for lower positions
3. Yet this will distort recruitment as once recruited, people with a higher CAST will inevitably look for a position (and salary) matching their qualifications

³ CAST Permanent: tests usually organized by the European Personnel Selection Office (EPSO).

4. This will also inevitably demotivate these people as they will have been recruited at a level far below their actual qualifications

The Joint Committee

The Joint Committee⁴ will only be consulted when hiring simultaneously more than 10 contractual agents per service, on profiles and similar tasks

This situation being per se quite rare, the Joint Committee will also very seldom be consulted as this rule can easily be twisted by hiring a maximum 9 CA

Status of contract agent: real conundrum

There is the list of contractual agents CA 3a (having passed a CAST) or CA 3b one meets (without CAST, with complete CAST or with a part of CAST)

1. CA 3a who arrived before the 2014 reform
2. CA 3a who arrived after the 2014 reform
3. CA 3a in Offices
4. CA 3a in Executive Agencies
5. CA 3a in Delegations
6. CA 3a FGI in the Commission and in Executive Agencies, who have the same tasks and workload but different structures
7. CA 3a in Luxembourg, among whom GFI whose salary did not reach the minimum subsistence figure of Luxembourg
8. CA 3b in the Commission, recruited after passing a complete CAST
9. CA 3b in the Commission, recruited with only the 1st part of a CAST (CAST 2010) a complete CAST
10. Since 2015, CA 3b recruited in the Commission via a Call for Expression of Interest (CEI)⁵.

Since the creation of the Contractual Agent category (3b and 3a), all potential candidates were initially asked to pass selection tests (CAST) adapted to their type of contract in order to have the possibility to be recruited in the various institutions. A new wave of Contractual agents appeared:

1. Starting end of 2013, the call for expressions of interest was launched and CA 3b obtained CA 3b contracts (3 years max) without sitting and passing any CASTs. They were selected on their profiles
2. Today, these very same CA 3b contract agents are obliged to sit and pass a CAST test corresponding to their level to obtain an extension, up to 6 years, in their own service or in another Commission service.
3. They will be invited to sit the EPSO tests without having their profiles selected in the permanent CAST data base. If they pass the tests, they are automatically shortlisted on the reserve lists open to Agency and Office positions. This aims at

⁴ Joint Committee : Annex II, section 2, article 2 from Staff Regulations

⁵ Call for expression of Interest published on EU CV Online on 09/09/2013 and under which, the lightweight CAST procedure specified that each candidate enrolled could be designed by the services without the participation of any staff representative

Candidates were expected to sit EPSO tests and then undergo an interview with a Joint Selection Panel. Specific selection criteria had been defined to meet the needs of the Institution.

offering them the possibility to undergo a personal interview with the recruiting services and giving them a contract of AC bis in case of success.

4. These lucky few, benefiting from the Call for Expression of Interest designed for them will definitely be an important step ahead of the other Contract Agents either still on list that will soon be closed or those who are listed on the permanent CAST and waiting to be drawn to sit the EPSO tests !

→ All contractual agents, yet with extremely different pathes and quite diverse possibilities and opportunities !

Social dialogue

During the negotiations of the General Implementing Provisions (GIP) applying to Contractual staff, exclusively open to the legitimate actors but mainly those representing the Commission and its environment, but all concerned parties were not present in the social dialogue with the Commission and the legitimate needs of contractual staff, even if mentioned, were often overlooked.

The modification of procedures and the creation of different treatments for a same status have led to a growing cacophony. This situation is turning into an unmanageable chaos altogether for the administration and the various recruiting services, but also for the staff and their representatives!

In the interest of all, it is high time to seriously improve the social dialogue, its structure and its working!

A few words on executive agencies ⁶, where the social dialogue is badly needed

We receive many calls from colleagues from executive agencies

Their questions and request vary widely, from their individual rights and career perspectives to conflict management or harassment.

These colleagues, who find themselves in difficult circumstances do not always get the support from their agency. Their staff representatives are often trapped in an unpleasant situation, having to deal with and face their own hierarchy to help.

These staff members feel ignored and thwarted by the actions and lack of support from the agency

Without a sound knowledge of internal rules and external support, the local agency staff representatives are unable to respond effectively to the numerous and various questions of staff.

Unless they have direct contacts with the Staff Representatives of the Commission or its administration or the PMO services, only Agency representatives affiliated to a trade union do get their support as well as information on the recent procedures.

The sole access Agencies' staff representatives have to internal data and new procedures, is via their affiliation to a trade union. This is actually their sole source of info to support and help Agency colleagues.

The social dialogue in and with the executive agencies must definitely be developed.

⁶ Number of CA in executive agencies in 2020 COM (2014)300 – June 2014 « Draft General Budget of the European Commission for the Financial Year 2015 »: ERCEA (369), EACEA (332), INEA (239) / REA (573) / EASME (373) / CHAFEA (59)

This only shows that executive agencies' staff is really not a priority for the Commission

When invited to meetings with the Commission, they can only participate as observers; they are not allowed to speak. It must be pointed out that even comments made by executive agencies' representatives participating as experts under the heading of a trade union, are quite often not taken into account.

Agency staff do absolutely need an active and efficient representation recognised by the commission. This is the only way to improve the situation in executive agencies.

All rules negotiated and adopted by the Commission are simply sent for direct application to the Agencies, which integrate them fully in their legal entity, without even changing a comma.

Given the impact these procedures have on their status and contracts, the up to now 2 000 CAs working in executive agencies deserve a much better representation in the social dialogue. They have the same status as AC 3bis staff of the Commission. They do hence ask equal treatment (internal competition / social dialogue / Young Professional Programmes / real contracts with indefinite length and not linked to the life span of their agency / ...)

It is high time for executive agencies to take a hold of the situation and fight to improve their access to the social dialogue. This is the only way for them to become more attractive and have a more dedicated staff.

A single committee for all executive agencies ?

This topic often comes up in discussions. This could indeed be a solution. Yet, is it actually the solution?

Being correctly informed before starting an irreversible process is an absolute necessity. Agency staff must also be implied in the process and consulted as representatives will be elected among them.



Social Dialogue

b) C(2011) 1264 : Differences of selection procedures between CA auxiliary and CA

SELECTION PROCEDURES OF CA AUXILIARY	ANNEX III	C(2011) 1264
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1. The selection tests shall be organised by EPSO on the basis of a permanent call for expressions of interest. The difficulty of the tests shall be appropriate for the function group chosen by the candidate and the content of the tests shall be consistent with the profile to be tested.
2. Candidates for the selection procedure may express an interest in one or more profiles. Candidates may sit the selection tests no more than once per profile and per 12-month period.
3. The validity of a pass mark in section A1 shall be restricted.

Part A – General profiles

Profiles such as lawyer, economist, secretary or finance officer are considered to be general profiles. This list is not exhaustive.

The selection procedure comprises the following stages:

Designation	Description of test	Body responsible
A1	A series of anonymous tests involving verbal and numerical reasoning tests and/or language tests.	EPSO
A2	A series of tests designed to assess the candidate's ability to perform the duties connected with the profile in question. It may consist of written, practical, oral and/or other tests in one or more languages.	EPSO if tests available the same day. If the tests are not available, the Commission may decide that the candidates can proceed directly to section A3.
A3	Interview to determine the candidate's suitability, and knowledge of languages if required	DG or service concerned
A4	Determination of grade and recruitment decision	Authority authorised to conclude contracts of employment

Part B – Specialist profiles

Where the above arrangements are difficult to implement or do not seem to be appropriate for ensuring the selection of suitable candidates for the profile required, the Director-General of the Directorate-General for Human Resources may grant authorisation for the selection of contract staff to be carried out in accordance with the following procedures. The Director-General of the Directorate-General for Human Resources shall ask EPSO to publish a specific call for expressions of interest. The selection procedure shall be organised by EPSO or by the department requesting the profile. In the latter case, the selection procedure shall be approved in advance by EPSO.

The selection procedure must be appropriate for the function group and profile required. It shall include:

Designation	Description of test	Body responsible
B1	An anonymous selection procedure, for example an automated CV search or preselection on the basis of qualifications and/or other factors	EPSO or department concerned in agreement with EPSO
B2	A series of tests designed to assess the candidate's ability to perform the duties connected with the profile in question. This section may consist of written, practical, oral and/or other tests in one or more languages	EPSO or department concerned in agreement with EPSO
B3	Interview to test the candidate's suitability for a post and knowledge of languages if necessary	DG or service concerned
B4	Determination of grade and recruitment decision	Authority authorised to conclude contracts of employment

The Joint Committee shall be informed annually of the profiles for which the Director-General of the Directorate-General for Human Resources has authorised this type of selection procedure.

Part C – Special cases

Without prejudice to the objective referred to in Article 27 of the Staff Regulations, EPSO shall be permitted to take all appropriate steps to ensure that the provisions of Article 1d relating to persons with a disability within the meaning of paragraph 4 of that Article are in fact implemented.

Article 3

Candidates' files

1. Details of all candidates who have passed a selection procedure in accordance with points A1, A2, B1 or B2 of Article 2 shall be entered in a database accessible to all interested departments in the Commission and in the other institutions with which EPSO has an agreement. The database shall include relevant information for each candidate, including the profile for which the selection procedure was organised.
2. The data referred to in paragraph 1 shall be accessible in the database for the entire period of validity of the test. This period of validity shall be three years (with the possibility of an extension), subject, however, to the candidate's updating his or her personal data at least every 12 months. The data relating to a candidate who is employed by an institution on an auxiliary contract staff contract shall remain available for the duration of his or her contract and for six months following the end of that contract.

1. The selection tests shall be organised by EPSO on the basis of a permanent call for expressions of interest. The difficulty of the tests shall be appropriate for the function group chosen by the candidate and the content of the tests shall be consistent with the profile to be tested.
2. Candidates for the selection procedure may express an interest in one or more profiles. Candidates may sit the selection tests no more than once per profile and per 12-month period.
3. The validity of a pass mark in section A1 shall be restricted.

Part A – General profiles

Profiles such as lawyer, economist, secretary or finance officer are considered to be general profiles. This list is not exhaustive.

The selection procedure comprises the following stages:

Designation	Description of test	Body responsible
A1	A series of anonymous tests involving verbal and numerical reasoning tests and/or language tests.	EPSO
A2	A series of tests designed to assess the candidate's ability to perform the duties connected with the profile in question. It may consist of written, practical, oral and/or other tests in one or more languages.	EPSO
A3	Interview before a selection committee to test the candidate's suitability for a post and knowledge of languages if necessary	DG or service concerned
A4	Determination of grade and recruitment decision	Authority authorised to conclude contracts of employment

The above-mentioned selection committee for the recruitment of a contract staff member shall consist of a Chair from a department other than the recruiting department, a member of the Human Resources Unit of the department concerned, a member of the appropriate Directorate within the department, and a person designated by the Central Staff Committee. It shall set out its conclusions in its minutes.

In the case of a post to be filled in one of the EU delegations, the candidate or candidates may be invited to an interview conducted by the Head of Delegation or Chargé d'affaires concerned, the Chief Administrative Officer and (where this is a different person) the official who might become the direct superior of the contract staff member recruited. Any such interview shall be held in the presence of a local staff representative and minutes shall be kept.

Part B – Specialist profiles

Where the above arrangements are difficult to implement or do not seem to be appropriate for ensuring the selection of suitable candidates for the profile required, the Director-General of the Directorate-General for Human Resources may grant authorisation for the selection of contract staff to be carried out in accordance with the following procedures. The Director-General of the Directorate-General for Human Resources shall ask EPSO to publish a specific call for expressions of interest. The selection procedure shall be organised by EPSO or by the

department requesting the profile. In the latter case, the selection procedure shall be approved in advance by EPSO.

The selection procedure must be appropriate for the function group and profile required. It shall include:

Designation	Description of test	Body responsible
B1	An anonymous selection procedure, for example an automated CV search or preselection on the basis of qualifications and/or other factors	EPSO or department concerned in agreement with EPSO
B2	A series of tests designed to assess the candidate's ability to perform the duties connected with the profile in question This section may consist of written, practical, oral and/or other tests in one or more languages	EPSO or department concerned in agreement with EPSO
B3	Interview before a selection committee to test the candidate's suitability for a post and knowledge of languages if necessary	DG or service concerned
B4	Determination of grade and recruitment decision	Authority authorised to conclude contracts of employment

The above-mentioned selection committee for the recruitment of a contract staff member shall consist of a Chair from a department other than the recruiting department, a member of the Human Resources Unit of the department concerned, a member of the appropriate Directorate within the department, and a person designated by the Central Staff Committee. It shall set out its conclusions in its minutes.

In the case of a post to be filled in one of the EU delegations, the candidate or candidates may be invited to an interview conducted by the Head of Delegation or Chargé d'affaires concerned, the Chief Administrative Officer and (where this is a different person) the official who might become the direct superior of the contract staff member recruited. Any such interview shall be held in the presence of a local staff representative and minutes shall be kept.

The Joint Committee shall be informed annually of the profiles for which the Director-General of the Directorate-General for Human Resources has authorised this type of selection procedure.

Part C – Special cases

Without prejudice to the objective referred to in Article 27 of the Staff Regulations, EPSO shall be permitted to take all appropriate steps to ensure that the provisions of Article 1d relating to persons with a disability within the meaning of paragraph 4 of that Article are in fact implemented.

Article 3
Candidates' files

1. Details of all candidates who have passed a selection procedure in accordance with points A1, A2, B1 or B2 of Article 2 shall be entered in a database accessible to all interested departments in the Commission and in the other institutions with which EPSO has an agreement. The database shall include relevant information for each candidate, including the profile for which the selection procedure was organised.
2. The data referred to in paragraph 1 shall be accessible in the database for the entire period of validity of the test. This period of validity shall be three years (with the possibility of an extension), subject, however, to the candidate's updating his or her personal data at least every 12 months. The data relating to a candidate who is employed by an institution on a contract staff contract shall remain available for the duration of his or her contract and for six months following the end of that contract.



1. → The selection tests shall be organised by EPSO on the basis of a permanent call for expressions of interest. The difficulty of the tests shall be appropriate for the function group chosen by the candidate and the content of the tests shall be consistent with the profile to be tested.¶
2. → Candidates for the selection procedure may express an interest in one or more profiles. Candidates may sit the selection tests no more than once per profile and per 12-month period.¶
3. → The validity of a pass mark in section A1 shall be restricted.¶

Part A – General profiles ¶

Profiles such as lawyer, economist, secretary or finance officer are considered to be general profiles. This list is not exhaustive.¶

The selection procedure comprises the following stages:¶

Designation	Description of test	Body responsible
A1	A series of anonymous tests involving verbal and numerical reasoning tests and/or language tests.	EPSO
A2	A series of tests designed to assess the candidate's ability to perform the duties connected with the profile in question. It may consist of written, practical, oral and/or other tests in one or more languages.	EPSO if tests available the same day. If the tests are not available, the Commission may decide that the candidates can proceed directly to section A2. EPSO
A3	Interview before a selection committee to determine the candidate's suitability, for a post and knowledge of languages if required <u>necessary</u>	DG or service concerned
A4	Determination of grade and recruitment decision	Authority authorised to conclude contracts of employment

The above-mentioned selection committee for the recruitment of a contract staff member shall consist of a Chair from a department other than the recruiting department, a member of the Human Resources Unit of the department concerned, a member of the appropriate Directorate within the department, and a person designated by the Central Staff Committee. It shall set out its conclusions in its minutes.¶

In the case of a post to be filled in one of the EU delegations, the candidate or candidates may be invited to an interview conducted by the Head of Delegation or Chargé d'affaires concerned, the Chief Administrative Officer and (where this is a different person) the official who might become the direct superior of the contract staff member recruited. Any such interview shall be held in the presence of a local staff representative and minutes shall be kept.¶

Part B – Specialist profiles ¶

Where the above arrangements are difficult to implement or do not seem to be appropriate for ensuring the selection of suitable candidates for the profile required, the Director-General of the Directorate-General for Human Resources may grant authorisation for the selection of contract staff to be carried out in accordance with the following procedures. The Director-General of the Directorate-General for Human Resources shall ask EPSO to publish a specific call for expressions of interest. The selection procedure shall be organised by EPSO or by the department requesting the profile. In the latter case, the selection procedure shall be approved in advance by EPSO. ¶

The selection procedure must be appropriate for the function group and profile required. It shall include: ¶

Designation ¶	Description of test ¶	Body responsible ¶
B1 ¶	An anonymous selection procedure, for example an automated CV search or preselection on the basis of qualifications and/or other factors ¶	EPSO or department concerned in agreement with EPSO ¶
B2 ¶	A series of tests designed to assess the candidate's ability to perform the duties connected with the profile in question. ¶ This section may consist of written, practical, oral and/or other tests in one or more languages ¶	EPSO or department concerned in agreement with EPSO ¶
B3 ¶ ¶	Interview before a selection committee to test the candidate's suitability for a post and knowledge of languages if necessary ¶	DG or service concerned ¶
B4 ¶	Determination of grade and recruitment decision ¶	Authority authorised to conclude contracts of employment ¶

The above-mentioned selection committee for the recruitment of a contract staff member shall consist of a Chair from a department other than the recruiting department, a member of the Human Resources Unit of the department concerned, a member of the appropriate Directorate within the department, and a person designated by the Central Staff Committee. It shall set out its conclusions in its minutes. ¶

In the case of a post to be filled in one of the EU delegations, the candidate or candidates may be invited to an interview conducted by the Head of Delegation or Chargé d'affaires concerned, the Chief Administrative Officer and (where this is a different person) the official who might become the direct superior of the contract staff member recruited. Any such interview shall be held in the presence of a local staff representative and minutes shall be kept. ¶

The Joint Committee shall be informed annually of the profiles for which the Director-General of the Directorate-General for Human Resources has authorised this type of selection procedure.¶

Part C – Special cases ¶

Without prejudice to the objective referred to in Article 27 of the Staff Regulations, EPSO shall be permitted to take all appropriate steps to ensure that the provisions of Article 1d relating to persons with a disability within the meaning of paragraph 4 of that Article are in fact implemented.¶

Article 3 ¶

Candidates' files ¶

1. → Details of all candidates who have passed a selection procedure in accordance with points A1, A2, B1 or B2 of Article 2 shall be entered in a database accessible to all interested departments in the Commission and in the other institutions with which EPSO has an agreement. The database shall include relevant information for each candidate, including the profile for which the selection procedure was organised.¶
2. → The data referred to in paragraph 1 shall be accessible in the database for the entire period of validity of the test. This period of validity shall be three years (with the possibility of an extension), subject, however, to the candidate's updating his or her personal data at least every 12 months. The data relating to a candidate who is employed by an institution on ~~an auxiliary~~ contract staff contract shall remain available for the duration of his or her contract and for six months following the end of that contract.¶



Differences of selections between CA 3b and CAa in the old procedure

C(2011) 1264	CA 3b	CA 3a
General Profiles	<ul style="list-style-type: none"> Are not all submitted to tests meant to assess the candidate's ability to carry out the tasks pertaining to a profile (A2) The interview does not take place in front of a selection committee 	<p>The interview takes place in front of a selection committee constituted of</p> <ul style="list-style-type: none"> - a president from another service than the one recruiting - a member of the HR unit of the recruiting service <p>A member of the management of the recruiting service</p> <ul style="list-style-type: none"> - a person designated by the Central Staff Committee <p>In the case of a position in one of the EU delegations, the candidate(s) can be invited to an interview led presided by:</p> <ul style="list-style-type: none"> - the head of delegation or the concerned chargé d'affaires
Specialist Profiles	<ul style="list-style-type: none"> The interview does not take place in front of a selection committee 	<p>The head of the administration and, if it is someone different, the civil servant who could possibly become the immediate superior of the member of staff to be recruited</p> <ul style="list-style-type: none"> - and a local staff representative

c) C(2017) 6760 : Differences of selection procedures between CA 3a /CA 3b

SELECTION PROCEDURE CA 3A

ANNEX I, ARTICLE 2

C(2017) 6760

1. The selection procedure is organised on the basis of the call for expressions of interest referred to in Article 1.
2. The selection procedure includes the following stages:
 - a) Candidates register in an interinstitutional electronic database accessible to all Commission departments. To this end, they fill in an electronic application form. The application form contains, in particular, information making it possible to assess the qualifications, professional experience, skills and motivation of the candidate.

Candidates may express interest for several profiles and function groups.
Candidates must regularly update their electronic application form.
 - b) On the basis of the electronic application form referred to in (a), the Commission department wishing to recruit a member of the contract staff carries out a preselection of the candidates registered in the database who best fit the requirements for the duties to be performed.

The department concerned invites a person appointed by the Staff Committee to attend the preselection of candidates if more than 10 contract staff per department are to be recruited simultaneously for similar profiles and duties.
 - c) If they have not yet successfully passed preselection tests as part of another preselection organised on the basis of this Annex for the same profile or for an equivalent or higher function group, the candidates preselected by the department referred to in (b) are required to take selection tests.
 - d) The department referred to in (b) invites the candidates who have successfully passed the selection tests referred to in (c) to an interview before a selection board.

The selection board is made up of a chairperson who is not from the department where the CA 3a will perform his or her duties, a member of that department, a member of the human resources unit (or equivalent) which covers the department concerned and a person appointed by the Staff Committee.

Where the post to be filled is in one of the EU delegations, the candidate(s) who passed the tests referred to in (c) will be invited to an interview conducted by the Head of the Delegation (or equivalent), the official who will be the line manager of the contract staff member, the Head of Administration of the Delegation (or equivalent) and a local Staff Representative.

The interview before the selection board will make it possible to assess the suitability of the candidates chosen by the department concerned for the duties to be performed within the department, as well as their language skills.

The selection board draws up the list of successful candidates and sets out its conclusions in a record of the interview.

- e) The department concerned chooses the person whom it wishes to engage from the list of successful candidates drawn up by the selection board and asks the AECE to make an offer of employment to the candidate.
3. The preselected candidates who passed the selection tests referred to in paragraph 2(c) but who have not been engaged following the interview referred to in paragraph 2(d) will have their results recorded in the database referred to in paragraph 2(a).
Their results in the selection tests will remain valid for the profile and function group concerned, as well as for the lower function groups in the same profile, for the duration and under the terms set out in the call for expressions of interest.
4. Preselected candidates who did not pass the selection tests referred to in paragraph 2(c) may retake the tests for function groups of an equivalent or higher level in that profile only after a minimum period of time set out in the call for expressions of interest.
5. The data in the electronic application form referred to in paragraph 2(a) of a member of the contract staff under contract with an institution will remain accessible in the database also referred to in paragraph 2(a) subject to the regular updating of the electronic application form referred to in paragraph 2(a).
6. By way of derogation from paragraphs 1 to 5, where there is a clearly identified and justified need by a Commission department for special skills and experience, the AECE may authorise the publication of a notice and the organisation of a general selection procedure with a view to recruiting one or more CA 3a.
The selection is carried out on the basis of a profile established by the department concerned, approved by DG HR and published on the EPSO website. The service concerned may also publish the notice on its own website and give it as much publicity as it deems appropriate. The AECE informs the Joint Committee annually of the use made of this provision.
The selection procedure is conducted by a selection board identical to the one referred to in paragraph (2)(d). The board draws up a list of the successful candidates, from which the department concerned chooses the person or persons to be engaged.
At the request of the Commission, EPSO will be invited to provide support in organising and running the selection procedure.

SELECTION PROCEDURE CA 3b

ANNEX I, ARTICLE 3

C(2017) 6760

The provisions of Article 2 apply *mutatis mutandis* to CA 3b staff, with the exception of:

- the last sentence of Article 2(2)(b);
- the selection board referred to in Article 2(2)(d), which may be made up of a staff member of the department in which the CA 3b will perform his or her duties and a staff member from outside the department, belonging in principle to the human resources unit (or equivalent) which covers the department concerned.

Where the selection tests provided for in Article 2(2)(c) cannot be organised within a timeframe that is compatible with the interest of the service, CA 3b staff may be engaged in accordance with Article 2(6). They then have up to three years after their engagement to pass the above-mentioned tests, failing which the AECE will not renew the contract beyond those three years.

For a better understanding, here is the complete text of the "Terms of Selection of CA 3b " C(2017)6760.

1. The selection procedure is organised on the basis of the call for expressions of interest referred to in Article 1.
2. The selection procedure includes the following stages:
 - a) Candidates register in an interinstitutional electronic database accessible to all Commission departments. To this end, they fill in an electronic application form. The application form contains, in particular, information making it possible to assess the qualifications, professional experience, skills and motivation of the candidate. Candidates may express interest for several profiles and function groups. Candidates must regularly update their electronic application form.
 - b) On the basis of the electronic application form referred to in (a), the Commission department wishing to recruit a member of the contract staff carries out a preselection of the candidates registered in the database who best fit the requirements for the duties to be performed.
 - c) If they have not yet successfully passed preselection tests as part of another preselection organised on the basis of this Annex for the same profile or for an equivalent or higher function group, the candidates preselected by the department referred to in (b) are required to take selection tests.

Where the selection tests provided for in Article 2(2)(c) cannot be organised within a timeframe that is compatible with the interest of the service, CA 3b staff may be engaged in accordance with Article 2(6). They then have up to three years after their engagement to pass the above-mentioned tests, failing which the AECE will not renew the contract beyond those three years.

- d) The department referred to in (b) invites the candidates who have successfully passed the selection tests referred to in (c) to an interview before a selection board. The selection board **which may be made up of a staff member of the department in which the CA 3b will perform his or her duties and a staff member from outside the department, belonging in principle to the human resources unit (or equivalent) which covers the department concerned.**

Where the post to be filled is in one of the EU delegations, the candidate(s) who passed the tests referred to in (c) will be invited to an interview conducted by the Head of the Delegation (or equivalent), the official who will be the line manager of the contract staff member, the Head of Administration of the Delegation (or equivalent) and a local Staff Representative.

The interview before the selection board will make it possible to assess the suitability of the candidates chosen by the department concerned for the duties to be performed within the department, as well as their language skills.

The selection board draws up the list of successful candidates and sets out its conclusions in a record of the interview.

- e) The department concerned chooses the person whom it wishes to engage from the list of successful candidates drawn up by the selection board and asks the AECE to make an offer of employment to the candidate.
- 3. The preselected candidates who passed the selection tests referred to in paragraph 2(c) but who have not been engaged following the interview referred to in paragraph 2(d) will have their results recorded in the database referred to in paragraph 2(a).
Their results in the selection tests will remain valid for the profile and function group concerned, as well as for the lower function groups in the same profile, for the duration and under the terms set out in the call for expressions of interest.
- 4. Preselected candidates who did not pass the selection tests referred to in paragraph 2(c) may retake the tests for function groups of an equivalent or higher level in that profile only after a minimum period of time set out in the call for expressions of interest.
- 5. The data in the electronic application form referred to in paragraph 2(a) of a member of the contract staff under contract with an institution will remain accessible in the database also referred to in paragraph 2(a) subject to the regular updating of the electronic application form referred to in paragraph 2(a).
- 6. By way of derogation from paragraphs 1 to 5, where there is a clearly identified and justified need by a Commission department for special skills and experience, the AECE may authorise the publication of a notice and the organisation of a general selection procedure with a view to recruiting one or more CA 3a.

The selection is carried out on the basis of a profile established by the department concerned, approved by DG HR and published on the EPSO website. The service concerned may also publish the notice on its own website and give it as much publicity as it deems appropriate. The AECE informs the Joint Committee annually of the use made of this provision.

The selection procedure is conducted by a selection board identical to the one referred to in paragraph (2)(d). The board draws up a list of the successful candidates, from which the department concerned chooses the person or persons to be engaged.

At the request of the Commission, EPSO will be invited to provide support in organising and running the selection procedure.

Selection procedure CA 3a3b¶

1. → The selection procedure is organised on the basis of the call for expressions of interest referred to in Article°1.¶

2. → The selection procedure includes the following stages:¶

a) → Candidates register in an interinstitutional electronic database accessible to all Commission departments. To this end, they fill in an electronic application form.¶

The application form contains, in particular, information making it possible to assess the qualifications, professional experience, skills and motivation of the candidate.¶

Candidates may express interest for several profiles and function groups.¶

Candidates must regularly update their electronic application form.¶

b) → On the basis of the electronic application form referred to in (a), the Commission department wishing to recruit a member of the contract staff carries out a preselection of the candidates registered in the database who best fit the requirements for the duties to be performed.¶

~~The department concerned invites a person appointed by the Staff Committee to attend the preselection of candidates if more than 10 contract staff per department are to be recruited simultaneously for similar profiles and duties.¶~~

c) → If they have not yet successfully passed preselection tests as part of another preselection organised on the basis of this Annex for the same profile or for an equivalent or higher function group, the candidates preselected by the department referred to in (b) are required to take selection tests.¶

Where the selection tests provided for in Article°2(2)(c) cannot be organised within a timeframe that is compatible with the interest of the service, CA°3b staff may be engaged in accordance with Article°2(6). They then have up to three years after their engagement to pass the above-mentioned tests, failing which the ABCE will not renew the contract beyond those three years.¶

d) → The department referred to in (b) invites the candidates who have successfully passed the selection tests referred to in (c) to an interview before a selection board.¶

The selection board ~~is which may be~~ made up of a ~~chairperson who is not from staff member of~~ the department ~~wherein which~~ the CA°3a3b will perform his or her duties, ~~and a staff member of that from outside the~~ department, ~~a member of belonging in principle to~~ the human resources unit (or equivalent) which covers the department concerned ~~and a person appointed by the Staff Committee.¶~~

Where the post to be filled is in one of the EU delegations, the candidate(s) who passed the tests referred to in (c) will be invited to an interview conducted by the Head of the Delegation (or equivalent), the official who will be the line manager of the contract staff member, the Head of Administration of the Delegation (or equivalent) and a local Staff Representative.¶

The interview before the selection board will make it possible to assess the suitability of the candidates chosen by the department concerned for the duties to be performed within the department, as well as their language skills.¶

The selection board draws up the list of successful candidates and sets out its conclusions in a record of the interview.¶

- e) → The department concerned chooses the person whom it wishes to engage from the list of successful candidates drawn up by the selection board and asks the AECE to make an offer of employment to the candidate.¶
- 3. → The preselected candidates who passed the selection tests referred to in paragraph 2(c) but who have not been engaged following the interview referred to in paragraph 2(d) will have their results recorded in the database referred to in paragraph 2(a).¶
Their results in the selection tests will remain valid for the profile and function group concerned, as well as for the lower function groups in the same profile, for the duration and under the terms set out in the call for expressions of interest.¶
- 4. → Preselected candidates who did not pass the selection tests referred to in paragraph 2(c) may retake the tests for function groups of an equivalent or higher level in that profile only after a minimum period of time set out in the call for expressions of interest.¶
- 5. → The data in the electronic application form referred to in paragraph 2(a) of a member of the contract staff under contract with an institution will remain accessible in the database also referred to in paragraph 2(a) subject to the regular updating of the electronic application form referred to in paragraph 2(a).¶
- 6. → By way of derogation from paragraphs 1 to 5, where there is a clearly identified and justified need by a Commission department for special skills and experience, the AECE may authorise the publication of a notice and the organisation of a general selection procedure with a view to recruiting one or more CA 3a.¶
The selection is carried out on the basis of a profile established by the department concerned, approved by DG HR and published on the EPSO website. The service concerned may also publish the notice on its own website and give it as much publicity as it deems appropriate. The AECE informs the Joint Committee annually of the use made of this provision.¶

The selection procedure is conducted by a selection board identical to the one referred to in paragraph 2(d). The board draws up a list of the successful candidates, from which the department concerned chooses the person or persons to be engaged.¶

At the request of the Commission, EPSO will be invited to provide support in organising and running the selection procedure.¶



Differences of selections between CA 3b and CA 3a in the new procedure

C(2017) 6760	CA 3b (Article 3, Annex I)	CA 3a (Article 2, Annex I)
Preselection	Noone designated by the staff committee for the preselection of candidates	<u>When a service hires simultaneously more than 10 Cas on similar profiles and for similar tasks</u> → the staff committee nominates someone to follow the preselection of candidates
Engagement by derogation and Renewal of contrac more than 3 years	When preselection tests can't be organised within a time frame compatible with the interests of the service, AC3ter can be hired by way of derogation They do then have 3 years from that point on to pass the selection tests. If they don't, the EACC does not renew their contract beyond their 1 st 3 years	
Interview in front of a Selection committee	<ul style="list-style-type: none"> - An external member of the service in which the AC3ter would carry out his/her tasks - An an external member to that service, in principle belonging to Unit HR or equivalent, but supervising 	<ul style="list-style-type: none"> - of a president from a service different from the one recruiting - of a member external to the recruiting service - of a member of the HR unit of the service concerned - of a person nominated by the Central Staff Committee <p>In the case of a position in one of the EU delegations, the candidate(s) can be invited to an interview presided by:</p> <ul style="list-style-type: none"> - the head of delegation or the concerned chargé d'affaires - The head of the administration and, if it is someone different, the civil servant who could possibly become the immediate superior of the member of staff to be recruited - and a local staff representative

d) Before/ After: Differences between selections.

CALL FOR EXPRESSIONS OF INTEREST Selection of contract agents		
	C(2011) 1264	C(2017) 6760
Initiative / organization	EPSO	The Commission <u>can</u> ask EPSO
Registration In the database	<ul style="list-style-type: none">- Before : "EPSO Porta" and "EU CV Online" (CAST 25)- After: "EPSO Account" (CAST 27 and CAST 2010)	<ul style="list-style-type: none">- "CAST PERMANENT" <p>Registration online (link: https://epso.europa.eu/apply/job-offers_en)</p>

Listings in several data bases

CA data bases change with every new procedure.

Beyond keeping up with internal and external publications, candidates must make sure they apply, update and renew at least once every 6 months their applications in the various data bases.

Frequency

Today, anyone can apply / express his-her interest for several profiles and function groups while he-she could previously only apply to sit the tests once on one profile and over 12 months.

Competition between candidates

Competition is soaring high as there is a very high number of candidates registered in the data base, quite a number of whom are higher function groups (this was actually not the case in the former procedure!)

Access to a higher function group or mobility

We advise CAs, including AC 3ter, who want to access mobility or a higher function group, to register in the Permanent CAST

Even if other recruitment procedures enable mobility or access to a higher function group, agency recruiting services mainly recruiting via the Permanent CAST data bases. Hence, some opportunities may be overlooked.

The procedure allowing access to a higher function group (see point 17. Change of function group) can only be organized on a very specific and exceptional basis and there is no guaranty that it would apply to all profiles!

Preselection of candidates

The service wishing to hire a contract agent performs a pre-selection of candidates registered in the database that best corresponds to the requirements of the duties to be performed..

Invitation to sit the CA tests

Under the previous procedure, all registered candidates were allowed to sit the tests. Under the new procedure, only those preselected by the recruiting service are invited to sit the tests.

It is hence possible that a candidate with the experience and knowledge of the post as he/she does already work in the position, is not invited to sit the tests. It all actually depends on the research criteria defined by the selection committee and the quality of the CV entered in the data base: did the candidate use the right keywords?

It is also important to note that candidates who passed another set of preselection tests for a similar profile, a similar or a higher function group, under the new annex will not be submitted to the selection tests.

Results of the selection procedure

Candidates who passed the written selection will be invited to an interview by the selection committee. Following the interviews, a list of successful candidates will be established and given to the recruiting service.

Pre-selected candidates who passed the written tests but are not shortlisted following the interview:

1. will find their results displayed in the data base
2. must click a tab opening access to their file to other institutions. Should this not be done, their profile will not appear as active and they won't be potential candidates in other/future selection procedures!

Indeed, it is possible that you are invited by different recruiting services since each institution creates its own reserve list and takes care of selecting its own candidates.

In case of failure of each type of tests (reasoning or skills)

Recruiting Services will not be able to invite you to take the test for the same function group or for a higher function group within the same profile for the next 6 months.

Hard to be among the best in different profiles at the same time!

Career and Mobility compromised for CA 3a currently in place.

Not interested in changing institutions or moving into a higher function group, some CA 3a listed in the CAST25, CAST27 or CAST2010 lists did not register in the CAST PERMANENT.

However, CA 3a who do not want to change their function group but who wish to have an internal mobility in order not to lose some gains (pension contribution, retirement age,) by changing their contract, will be forced to do so. Enter in the database "permanent CAST" since for new positions, recruitment is done exclusively via the permanent CAST.

As for CA 3a who have been engaged in a different profile? (see paragraph 23. Final provisions and entry into force)

Currently, there are CA 3a who occupy profiles quite other than those for which they were initially engaged, for example FGII secretary who works as FGII finance or FGII communication, FGIII IT who works as FGIII HR or FGIII finances,

Among them, there are CA 3a executive Agencies and offices whose tasks have been taken either by the DIGIT, to outsource them in turn, or by the DG HR (Human Resources) to centralize them in a CMA (Account management centre). And it's not over because other horizontal tasks will be centralized in the future!

These people, who in a certain sense have been forced to change their profile will not be selected via the permanent CAST based on their profile. **What will happen in the long term?**

Does this mean that ALL these contract agents concerned will have to pass an umpteenth CAST to be able to be engaged with a new contract in another service / institution in the profile for which some have already been working for a few years?

CAST Lists

Since 2005, there have been 18 lists of Cast laureates. These lists have different validity dates.

	CAST LISTS	Valid until
1	EPSO/CAST/25/05	30/06/2018
2	EPSO/CAST/1-6/07 (CAST 27) (RELEX 2007 included)	31/12/2018
3	EPSO/CAST/RELEX/2008	31/12/2018
4	EPSO/CAST/SECR/2008	31/12/2018
5	EPSO/CAST/CRO/2009	31/12/2018
6	EPSO/CAST/01/2010 Childcare	31/12/2018
7	EPSO/CAST/02/2010 (Phase 1)	31/12/2018
8	EPSO/CAST/02/2010 (Phase 2) fully tested	31/12/2018
9	EPSO/CAST/S/1/2011 translators	31/12/2018
10	EPSO/CAST/S/2/2012 Childcare	31/12/2018
11	EPSO/CAST/S/3/2012 Building management	31/12/2018
12	EPSO/CAST/S/7/2013 ICT Security	31/12/2018
13	EPSO/CAST/S/5/13 – Researchers	31/12/2018
14	EPSO/CAST/S/6/13 - Educational Psychologists	31/12/2018
15	EPSO/CAST/S/8/14 - Drivers	31/12/2018
16	EP/CAST/S/9/2014 / Contractual Agent / European Administration / GFIV / Parliamentary Research Administrator - EP ONLY	31/12/2018
17	EPSO/CAST/S/12/2015 / Contractual Agent / Security / GFIV / Regional Security Advisers / EEAS only	31/12/2020
18	EPSO/CAST/S/12/2015 / Contractual Agent / Security / GFIII / Regional Security Advisers / EEAS only	31/12/2020

Mobility GIPs CAs



7. MINIMUM CONDITIONS AND QUALIFICATIONS FOR ENGAGEMENT

BEFORE	ARTICLE 4	C(2011) 1264
1.	Engagement as a member of the contract staff or auxiliary contract staff requires the minimum qualifications set out in Annex I.	
2.	For the purposes of this article, only diplomas that have been awarded in EU Member States or that are the subject of equivalence certificates issued by the authorities in the said Member States shall be taken into consideration. In the latter case, the authority authorised to conclude contracts of employment reserves the right to request proof of such equivalence.	

Annex I

The minimum qualifications for engagement as a member of the contract staff or auxiliary contract staff are:

1. a. in function group I: successful completion of compulsory education;
2. b. in function group II:
 - i. a level of post-secondary education attested by a diploma, or
 - ii. a level of secondary education attested by a diploma giving access to post-secondary education, and appropriate professional experience of three years. In this context professional experience is considered to be appropriate if it has been obtained in one of the areas of activity of the European Commission following the award of the diploma giving access to this function group, or
 - iii. following completion of compulsory education, a total of eight years of:
 - appropriate professional training and/or
 - professional experience of an equivalent level involving tasks similar to those that the member of the contract staff will be required to perform.

In this context, professional training cannot be taken into account unless it consists of at least one academic year of full-time training following compulsory education and is attested by a certificate recognised by a Member State of the European Union, or
 - iv. following completion of compulsory education, a total of ten years as a member of staff of the European Union and including training provided by the institution in a field relevant to the duties to be carried out, or
 - v. in exceptional circumstances and where justified in the interests of the service, professional training or equivalent professional experience; the Joint Committee shall be informed annually of the use made of this provision.
3. c. in function group III:

- i. a level of post-secondary education attested by a diploma, or
 - ii. a level of secondary education attested by a diploma giving access to post-secondary education, and appropriate professional experience of three years. In this context professional experience is considered to be appropriate if it has been obtained in one of the areas of activity of the European Commission following the award of the diploma giving access to this function group, or
 - iii. in exceptional circumstances and where justified in the interests of the service, professional training or equivalent professional experience; the Joint Committee shall be informed annually of the use made of this provision.
4. d. in function group IV:
- i. completed university studies of at least three years attested by a diploma, or
 - ii. when in a Member State of the European Union access to a profession of an equivalent level to function group IV is by State examination, professional training or any other equivalent procedure (e.g. chartered accountant and auditor, or professions in the armed forces or police), the authority authorised to conclude contracts of employment may agree to recognise this qualification as being equivalent to a university degree, or
 - iii. in exceptional circumstances and where justified in the interests of the service, professional training of an equivalent level; the Joint Committee shall be informed annually of the use made of this provision.

Now

ARTICLE 4

C(2017) 6760

- (1) Engagement as a member of the contract staff shall be conditional upon fulfilling the minimum conditions and qualifications set out in *Article 82(2) and (3) of the CEOS*.
- (2) Under *Article 82(2) of the CEOS*, only diplomas that have been awarded in EU Member States or that are the subject of equivalence certificates issued by the authorities in the said Member States shall be taken into consideration. In the latter case, the AECE reserves the right to request proof of such equivalence.

1. ~~Engagement as a member of the contract staff or auxiliary contract staff requires~~ shall be conditional upon fulfilling the minimum conditions and qualifications set out in Annex I.

(1) ~~For Article 82(2) and (3) of the purposes~~ CEOS.

2. ~~(2) Under Article 82(2) of this article~~ the CEOS, only diplomas that have been awarded in EU Member States or that are the subject of equivalence certificates issued by the authorities in the said Member States shall be taken into consideration. In the latter case, the ~~authority authorised to conclude contracts of employment~~ AECE reserves the right to request proof of such equivalence.

Annexe I

~~The minimum qualifications for engagement~~ Article 82, paragraphes 2 et 3, du RAA
 2. Recruitment as a member of the contract staff or auxiliary contract staff ~~as each shall require at least:~~

1. ~~(a. —) in function group I;~~ successful completion of compulsory education;

2. ~~(b. —) in function group groups II and III:~~

• ~~(i. —) a level of post-secondary education attested by a diploma,~~

~~or~~

• ~~(ii. —) a level of secondary education attested by a diploma giving access to post-secondary education, and appropriate professional experience of three years. In this context professional experience is considered to be appropriate if it has been obtained in one of the areas of activity of the European Commission following the award of the diploma giving access to this function group,~~

~~at least three years, or~~

~~(iii. — following completion of compulsory education, a total of eight years of:~~

~~— appropriate professional training and/or~~

~~— professional experience of an equivalent level involving tasks similar to those that the member of the contract staff will be required to perform.~~

~~— In this context, professional training cannot be taken into account unless it consists of at least one academic year of full time training following compulsory education and is attested by a certificate recognised by a Member State of the European Union;~~

~~or~~

~~iv. — following completion of compulsory education, a total of ten years as a member of staff of the European Union and including training provided by the institution in a field relevant to the duties to be carried out;~~

~~or~~

- ~~v. in exceptional circumstances and) where justified in the interests~~interest ~~of the service, professional training or equivalent professional experience; the Joint Committee shall be informed annually of the use made of this provision on equivalent level;~~

3. ~~(c. in function group III:~~

- i. ~~a level of post-secondary education attested by a diploma, or~~
- ii. ~~a level of secondary education attested by a diploma giving access to post-secondary education, and appropriate professional experience of three years. In this context professional experience is considered to be appropriate if it has been obtained in one of the areas of activity of the European Commission following the award of the diploma giving access to this function group, or~~
- iii. ~~in exceptional circumstances and where justified in the interests of the service, professional training or equivalent professional experience; the Joint Committee shall be informed annually of the use made of this provision.~~

4. ~~d.) in function group IV:~~

- i. ~~(i) a level of education which corresponds to completed university studies of at least three years attested by a diploma, or~~
- (ii. ~~when in a Member State of the European Union access to a profession of an equivalent level to function group IV is by State examination, professional training or any other equivalent procedure (e.g. chartered accountant and auditor, or professions in the armed forces or police), the authority authorised to conclude contracts of employment may agree to recognise this qualification as being equivalent to a university degree, or~~
- iii. ~~in exceptional circumstances and) where justified in the interests~~interest ~~of the service, professional training of an equivalent level; the Joint Committee shall be informed annually of the use made of this provision~~

3. A member of the contract staff may be engaged only on condition that he:

- (a) is a national of one of the Member States, unless an exception is authorized by the authority referred to in the first paragraph of Article 6, and enjoys his full rights as a citizen;
- (b) has fulfilled any obligations imposed on him by the laws concerning military service;
- (c) produces the appropriate character references as to his suitability for the performance of his duties;
- (d) is physically fit to perform his duties; and
- (e) produces evidence of a thorough knowledge of one of the languages of the Union and of a satisfactory knowledge of another language of the Union to the extent necessary for the performance of his duties.

STAFF REGULATIONS/ CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION.

CEOS: Article 82(2 and 3)

2. Recruitment as a member of the contract staff shall require at least:

- (a) in function group I, successful completion of compulsory education;
- (b) in function groups II and III:
 - (i) a level of post-secondary education attested by a diploma, or
 - (ii) a level of secondary education attested by a diploma giving access to post-secondary education, and appropriate professional experience of at least three years, or
 - (iii) where justified in the interest of the service, professional training or professional experience of an equivalent level;
- (c) in function group IV:

- (i) a level of education which corresponds to completed university studies of at least three years attested by a diploma, or
- (ii) where justified in the interest of the service, professional training of an equivalent level.

3. A member of the contract staff may be engaged only on condition that he:

- (a) is a national of one of the Member States, unless an exception is authorised by the authority referred to in the first paragraph of Article 6, and enjoys his full rights as a citizen;
- (b) has fulfilled any obligations imposed on him by the laws concerning military service;
- (c) produces the appropriate character references as to his suitability for the performance of his duties;
- (d) is physically fit to perform his duties; and
- (e) produces evidence of a thorough knowledge of one of the languages of the Union and of a satisfactory knowledge of another language of the Union to the extent necessary for the performance of his duties.

CEOS: Article 6

Each institution shall determine who shall be authorised to conclude the contracts referred to in Article 1.

CEOS: Article 1

These Conditions of Employment shall apply to servants engaged under contract by the Union . Such servants shall be:

- temporary staff,
- contract staff,
- local staff,
- special advisers ,
- accredited parliamentary assistants.

Any reference in these Conditions of Employment to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice-versa, unless the context clearly indicates otherwise.



This new decision incorporates the conditions and minimum qualifications provided for in the CEOS.

This eliminates certain minimum requirements and qualifications required. Here they are:

1. The same conditions are applied to function groups II and III, so one can legitimately question the criteria that will differentiate these 2 function groups.
2. The Joint Committee is no longer informed annually of the various recruitments in exceptional cases and when the interest justifies it.
3. Deletion of the words "exceptionally".
4. To become a contract agent in function group II: this will no longer be available to colleagues in function group I who, after completion of compulsory education, have obtained more than 8 years of professional experience in tasks similar to the tasks of a function group II.

Most of the contract staff in function group I are already at the end of his/her career (at \pm age 38) in their function group when they still have years to work before their pension.

8. CLASSIFICATION IN THE GRADE

BEFORE

ARTICLE 5

C(2011) 1264

Decision C(2011)1264 amended by Decision C(2013)8967 of 16/12/2013 (see modifications in the text in bold)

1. The grading of contract staff and auxiliary contract staff shall take account of the nature and length of their experience. For the purposes of grading, experience covers both qualifications and professional experience, calculated in accordance with the procedures set out in Annex IV.
2. Experience shall be taken into account from the date on which the member of the contract staff or auxiliary contract staff met the minimum qualifications for recruitment as defined in Article 4. In the case of qualifications equivalent to those giving access to the function group, the authority authorised to conclude contracts of employment shall establish a reference date from which experience shall be taken into account.
3. Without prejudice to Article 8, contract staff or auxiliary contract staff shall be graded in accordance with the provisions of point 10 of Annex IV⁷.
4. The grade shall be determined **when** the contract is drawn up. Without prejudice to Article 87(3) of the CEOS, this grading shall not be revised in the course of the contract, including any renewals thereof, or in the case of interruptions of six months or less.
5. Without prejudice to Article 9, on recruitment contract staff and auxiliary contract staff shall be graded in the first step of their grade.

« However, the authority authorised to conclude contracts of employment shall allow 24 months' additional seniority of step to contract staff recruited in function group I, grade 1, for professional experience equal to or more than 3 years.

6. The authority authorised to conclude contracts of employment may decide to award the next higher grade where the duties to be performed correspond to a skills profile of such a nature that, in view of the labour market conditions at one or more of the Commission's places of work, such a measure is necessary in order to obtain a sufficient number of applicants of an appropriate quality.

TAKING ACCOUNT OF QUALIFICATIONS AND PROFESSIONAL EXPERIENCE FOR PURPOSES OF GRADING (ANNEX IV)

General principles

1. A given period may be counted only once.
2. All the supporting documents submitted by the candidate are liable to be subjected to a detailed examination by the departments responsible.

Article 2

Qualifications

1. 'Qualifications' shall be taken to mean any full-time or part-time studies or professional training attested by a diploma. Only diplomas that have been awarded in EU Member States or that are the subject of equivalence certificates issued by the authorities of one of these Member States shall be taken into consideration. In the latter case, the

⁷ In fact, these are the provisions of paragraphs 10 and 11 of Article 3 of Annex IV

authority authorised to conclude contracts of employment reserves the right to request proof of such equivalence.

2. Qualifications shall be taken into account:

- provided that the study or training is at least equivalent to the level of the qualification required for access to the function group and that it lasted for at least one academic year;
- in respect of a period which may not exceed the statutory duration of the studies. In the case of a doctorate/PhD the actual duration of the studies shall be taken into account, subject to a limit of three years;
- provided that the study or training was undertaken following the award of the diploma giving access to the function group. The duration of studies undertaken and/or qualifications acquired to obtain the diploma giving access to the function group shall not be taken into account.

Article 3

Professional experience

1. 'Professional experience' shall be taken to mean any paid activity. It shall be taken into account from the date on which the person fulfils the minimum qualifications required for recruitment as defined in this Decision.
2. To be taken into account for grading purposes, professional experience must be duly substantiated and be related to one of the Commission's areas of activity.
3. Compulsory military service or equivalent civilian service shall be taken into account on the basis of its actual duration (this will also apply if this period of service took place before the conditions giving access were met). A recall shall be taken into account only if it is for a period of one year or more.
4. In the case of freelance interpreters, the length of professional experience shall be based on the number of days worked as an interpreter (130 days of actual work as an interpreter shall be considered to be equivalent to one year's professional experience).
5. In the case of freelance translators, the length of professional experience shall be calculated, within the limits of the period spent on such activities, on the basis of the number of pages translated converted into days worked. (Eight pages translated shall be equated to one day's work; 220 days worked shall be considered to be equivalent to one year's professional experience.)
6. Periods of paid in-service training, or in-service training for which an indemnity is paid, shall be regarded as professional experience.
7. By way of an exception, voluntary activities may be taken into account provided that they were carried out with a body recognised by an EU Member State and are related to the duties to be performed.
8. Non-salaried professional activities (e.g. self-employed, liberal professions) shall be considered on a case-by-case basis, taking into account their nature and duration. Such consideration shall be based on formal data such as tax returns, statements of fees from national bodies, or any other supporting document of an official nature.
9. Professional activities carried out on a part-time basis shall be calculated pro rata according to the hours worked.

10. Members of the contract staff shall be graded as follows:

a. in function group I: at grade 1,

b. in function group II in accordance with the table below:

Length of experience	Grade
Less than 7 years	4
7 years or more	5

c. in function group III in accordance with the table below:

Length of experience	Grade
Less than 7 years	8
Between 7 years and 15 years	9
15 years or more	10

d. in function group IV in accordance with the table below:

Length of experience	Grade
Less than 8 years	13
Between 8 years and 21 years	14
21 years or more	16

11. Members of the auxiliary contract staff shall be graded as follows:

a. in function group II in accordance with the table below:

Length of experience	Grade
Less than 5 years	4
Between 5 years and 10 years	5
Between 10 years and 20 years	6
20 years or more	7

b. in function group III in accordance with the table below:

Length of experience	Grade
Less than 5 years	8
Between 5 years and 10 years	9
Between 10 years and 15 years	10
Between 15 years and 20 years	11
20 years or more	12

c. in function group IV in accordance with the table below:

Length of experience	Grade
Less than 5 years	13
Between 5 years and 9 years	14
Between 9 years and 13 years	15
Between 13 years and 17 years	16
Between 17 years and 21 years	17
21 years or more	18

Article 5 – Classification in the function group

- (1) In accordance *with Article 86(1) and Article 89(1) of the CEOS*, the AECE shall classify contract staff in their function group taking into consideration their qualifications and professional experience at the time of entry into service.

For the purposes of this classification, the qualifications and professional experience taken into account shall be those acquired between the date on which contract staff met the minimum requirements for recruitment, as set out in *Article 82(2) of the CEOS*, and their entry into service. In the case of qualifications equivalent to those giving access to the function group, the AECE shall establish a reference date from which experience shall be taken into account.

- (2) Without prejudice to Articles 9, 10 and 11, contract staff engaged in Function Group I shall be classified in grade 1.
- (3) Without prejudice to Articles 9, 10 and 11, contract staff engaged in Function Groups II, III and IV shall be graded within their function group according to the following rules:

- (a) in function group II:

Qualifications and professional experience	Grade
less than 5 years	4
5 years or more	5

- (b) in function group III:

Qualifications and professional experience	Grade
less than 5 years	8
between 5 years and 15 years	9
15 years or more	10

- (c) in function group IV:

Qualifications and professional experience	Grade
less than 5 years	13
between 5 years and 17 years	14
17 years or more	16

- (4) By way of derogation from paragraph 3, the AECE may, at the request of a department, classify a member of the contract staff recruited in Function Groups II, III or IV in a grade within the function group that is higher than those in the tables in paragraph 3(a), (b) and (c). CA 3a grading shall be carried out within the range set in [Article 86 of the CEOS](#). The department shall justify its request to the AECE on the basis, in particular, of the professional experience and qualifications required, the tasks and level of responsibility involved or labour market conditions for the profile in question.
- (5) Without prejudice to Articles 9, 10 and 11, for the implementation of paragraph 3, the qualifications and professional experience to be taken into account for the purposes of grading contract staff in their function groups are set out in Annex II.
- (6) Grading shall be determined on the date of entry into service.
- For CA 3a staff, without prejudice to [Article 87\(3\) of the CEOS](#), the grading shall not be revised in the course of the contract, including any renewals thereof.
- For CA 3b staff classified in the first grade of their function group at the time of recruitment, grading shall be reviewed upon renewal of their contract once they have been employed for at least three years. To this end, paragraphs 1, 3 and 5 shall apply *mutatis mutandis* to the period up to the contract renewal.

Article 6 – Classification in the grade

- (1) In accordance with [Article 86\(1\), second subparagraph, and Article 89\(1\) of the CEOS](#), and without prejudice to Articles 9 and 10, contract staff shall be classified in the first step of their grade.
- (2) However, in accordance with [Article 86\(1\), second subparagraph, of the CEOS](#), the AECE shall grant 24 months' additional seniority in the step to a CA 3a recruited at grade 1 in function group I to take account of professional experience of three years or more.
- Professional experience shall be taken into account in line with the rules in Article 5(1) and (5).

Taking account of qualifications and professional experience for purposes of grading contract staff in their function group (Annex II)

Article 1 - General principles

1. The same period may be counted only once.
2. The supporting documents submitted by the candidate may be subjected to a detailed examination by the departments responsible in DG HR.

Article 2 - Qualifications

1. 'Qualifications' means any completed studies or professional training attested by a diploma issued by a Member State under the conditions set out in Article 4(2) of this Decision.
2. Qualifications will be taken into account:

- provided that the study or training is *at least* equivalent to the level of the qualification required for access to the function group and that it lasted for at least one full-time academic year;
- in respect of a period which may not exceed the statutory duration of the studies. In the case of a doctorate, the actual duration of the studies will thus be taken into account, subject to a maximum of three years;
- provided that the study or training was undertaken following the award of the diploma giving access to the function group. Studies undertaken and qualifications obtained prior to the diploma giving access to the function group will not be taken into account.

Article 3 - Professional experience

1. For the purposes of this Decision, 'professional experience' means any paid activity carried out by the member of the contract staff in accordance with Article 5(1) of this Decision.
2. The actual duration of compulsory military service or equivalent civilian service will be taken into account even if this period of service took place before the conditions giving access to the function group were met.
3. For freelance interpreters, the length of the professional experience will be calculated by counting the number of days worked as an interpreter; 100 days of actual interpretation work will be considered to be equivalent to one year's professional experience.
4. For freelance translators, the length of professional experience will be calculated, within the limits of the period spent on such activities, on the basis of the number of pages translated converted into days worked; five pages translated will be considered to be equivalent to one day's work.
5. Periods of paid in-service training, or in-service training for which an indemnity is paid, will be regarded as professional experience.
6. Non-salaried professional activities (e.g. self-employed, liberal professions) will be considered on a case-by-case basis, taking into account their nature and duration. Such consideration will be based on formal data such as tax returns, statements of fees from national bodies, or any other supporting document of an official nature.
7. Professional activities carried out on a part-time basis will be calculated pro rata according to the hours worked.

~~1.(1) The grading of~~ in accordance with Article 86(1) and Article 89(1) of the CEOS, the AECE shall classify ~~contract staff and auxiliary contract staff shall take account of the nature and length of in their experience. For the purposes of grading, experience covers both function group taking into consideration their qualifications and professional experience, calculated in accordance with the procedures set out in Annex IV at the time of entry into service.~~

~~2- Experience shall be~~ For the purposes of this classification, the qualifications and professional experience taken into account ~~from shall be those acquired between the date on which the member of the contract staff or auxiliary contract staff met the minimum qualifications requirements for recruitment, as defined set out in Article 4.82(2) of the CEOS, and their entry into service. In the case of qualifications equivalent to those giving access to the function group, the authority authorised to conclude contracts of employment~~ AECE shall establish a reference date from which experience shall be taken into account.

~~(2) Without prejudice to Article 8~~ Articles 9, 10 and 11, contract staff or auxiliary engaged in Function Group I shall be classified in grade 1.

~~(3) Without prejudice to Articles 9, 10 and 11, contract staff engaged in Function Groups II, III and IV shall be graded in accordance with~~ within their function group according to the provisions ~~following rules:~~

(a) in function group II:

<u>Qualifications and professional experience</u>	<u>Grade</u>
<u>less than 5 years</u>	<u>4</u>
<u>5 years or more</u>	<u>5</u>

(a) in function group III:

<u>Qualifications and professional experience</u>	<u>Grade</u>
<u>less than 5 years</u>	<u>8</u>
<u>between 5 years and 15 years</u>	<u>9</u>
<u>15 years or more</u>	<u>10</u>

(b) in function group IV:

<u>Qualifications and professional experience</u>	<u>Grade</u>
<u>less than 5 years</u>	<u>13</u>
<u>between 5 years and 17 years</u>	<u>14</u>
<u>17 years or more</u>	<u>16</u>

~~(4)~~ By way of point 10 derogation from paragraph 3, the AECE may, at the request of a department, classify a member of the contract staff recruited in Function Groups II, III or IV in a grade within the function group that is higher than those in the tables in paragraph 3(a), (b) and (c). CA 3a grading shall be carried out within the range set in Article 86 of the CEOS. The department shall justify its request to the AECE on the basis, in particular, of the professional experience and qualifications required, the tasks and level of responsibility involved or labour market conditions for the profile in question.

~~3-(5)~~ Without prejudice to Articles 9, 10 and 11, for the implementation of paragraph 3, the qualifications and professional experience to be taken into account for the purposes of grading contract staff in their function groups are set out in Annex IV.

~~(1)~~ The grade Grading shall be determined when on the contract is drawn up. Without date of entry into service.

~~4.~~ For CA 3a staff, without prejudice to Article 87(3) of the CEOS, this the grading shall not be revised in the course of the contract, including any renewal thereof, or in the case of interruptions of six months or less.

~~Without prejudice to Article 9, on recruitment contract staff and auxiliary~~ For CA 3b staff classified in the first grade of their function group at the time of recruitment, grading shall be reviewed upon renewal of their contract once they have been employed for at least three years. To this end, paragraphs 1, 3 and 5 shall apply mutatis mutandis to the period up to the contract renewal.

Article 6 – Classification in the grade

~~5-(1)~~ In accordance with Article 86(1), second subparagraph, and Article 89(1) of the CEOS, and without prejudice to Articles 9 and 10, contract staff shall be graded classified in the first step of their grade.

~~The authority authorised to conclude contracts of employment may decide to award the next higher grade where the duties to be performed correspond to a skills profile of such a nature that, in view of the labour market conditions at one or more of the Commission's places of work, such a me~~

~~(1)~~ However, in accordance with Article 86(1), second subparagraph, of the CEOS, the AECE shall grant 24 months' additional seniority in the step to a CA 3a recruited at grade 1 in function group I to take account of professional experience of three years or more.

Professional experience shall be taken into account in line with the rules in Article 5(1) and (5).

Taking account of qualifications and professional experience for **PURPOSES OF GRADING**
~~(ANNEX IV)~~ purposes of grading contract staff in their function group (Annex II)

Article 1 - General principles

1. ~~A given~~ The same period may be counted only once.

~~2.1. All the~~The supporting documents submitted by the candidate ~~are liable to~~may be subjected to a detailed examination by the departments responsible ~~in DG HR~~.

Article 2

- Qualifications

1. 'Qualifications' ~~shall be taken to mean~~means any ~~full-time or part-time~~completed studies or professional training attested by a diploma. ~~Only diplomas that have been awarded in EU Member States or that are the subject of equivalence certificates issued by the authorities of one of these Member States shall be taken into consideration. In the latter case, the authority authorised to conclude contracts of employment reserves the right to request proof of such equivalence a Member State under the conditions set out in Article 4(2) of this Decision.~~

~~2.1.~~ Qualifications ~~shall~~will be taken into account:

- ~~—~~ provided that the study or training is *at least* equivalent to the level of the qualification required for access to the function group and that it lasted for at least one full-time academic year;
- ~~—~~ in respect of a period which may not exceed the statutory duration of the studies. In the case of a doctorate/~~PhD~~, the actual duration of the studies ~~shall~~will thus be taken into account, subject to a ~~limit~~maximum of three years;
- ~~—~~ provided that the study or training was undertaken following the award of the diploma giving access to the function group. ~~The duration of studies~~Studies undertaken and/~~or~~ qualifications ~~acquired~~obtained prior to ~~obtain~~ the diploma giving access to the function group ~~shall~~will not be taken into account.

Article 3

- Professional experience

1. ~~'Professional~~For the purposes of this Decision, 'professional experience' ~~shall be taken to mean~~means any paid activity. ~~It shall be taken into account from the date on which carried out by the person fulfils member of the minimum qualifications required for recruitment as defined contract staff in accordance with Article 5(1) of this Decision.~~

~~2. — To be taken into account for grading purposes, professional experience must be duly substantiated and be related to one of the Commission's areas of activity.~~

~~3.2. Compulsory~~The actual duration of ~~compulsory~~ military service or equivalent civilian service ~~shall~~will be taken into account ~~on the basis of its actual duration (this will also apply even if this period of service took place before the conditions giving access to the function group were met). A recall shall be taken into account only if it is for a period of one year or more.~~

~~4.3. In the case of~~For freelance interpreters, the length of ~~the~~ professional experience ~~shall~~will be ~~based on~~calculated by counting the number of days worked as an interpreter (~~130; 100~~ days of actual interpretation work ~~as an interpreter shall~~will be considered to be equivalent to one year's professional experience).

~~5.1. In the case of~~For freelance translators, the length of professional experience ~~shall~~will be calculated, within the limits of the period spent on such activities, on the basis of the number of pages translated converted into days worked. (~~Eight; five~~ pages translated ~~shall be equated to one day's work; 220 days worked shall~~will be considered to be equivalent to one ~~year's professional experience.~~day's work.

~~6.1.~~ Periods of paid in-service training, or in-service training for which an indemnity is paid, ~~shall~~will be regarded as professional experience.

~~7. By way of an exception, voluntary activities may be taken into account provided that they were carried out with a body recognised by an EU Member State and are related to the duties to be performed.~~

~~8.1.~~ Non-salaried professional activities (e.g. self-employed, liberal professions) ~~shall~~will be considered on a case-by-case basis, taking into account their nature and duration. Such consideration ~~shall~~will be based on formal data such as tax returns, statements of fees from national bodies, or any other supporting document of an official nature.

~~9.1.~~ Professional activities carried out on a part-time basis ~~shall~~will be calculated pro rata according to the hours worked.

~~10. Members of the contract staff shall be graded as follows:~~

~~a. in function group I: at grade 1,~~

~~b. in function group II in accordance with the table below:~~

Length of experience	Grade
Less than 7 years	4
7 years or more	5

~~c. in function group III in accordance with the table below:~~

Length of experience	Grade
Less than 7 years	8
Between 7 years and 15 years	9
15 years or more	10

~~d. in function group IV in accordance with the table below:~~

Length of experience	Grade
Less than 8 years	13
Between 8 years and 21 years	14
21 years or more	16

~~11. Members of the auxiliary contract staff shall be graded as follows:~~

a. — in function group II in accordance with the table below:

Length of experience	Grade
Less than 5 years	4
Between 5 years and 10 years	5
Between 10 years and 20 years	6
20 years or more	7

b. — in function group III in accordance with the table below:

Length of experience	Grade
Less than 5 years	8
Between 5 years and 10 years	9
Between 10 years and 15 years	10
Between 15 years and 20 years	11
20 years or more	12

c. — in function group IV in accordance with the table below:

Length of experience	Grade
Less than 5 years	13
Between 5 years and 9 years	14
Between 9 years and 13 years	15
Between 13 years and 17 years	16
Between 17 years and 21 years	17
21 years or more	18

CEOS: Article 82(2)

2. Recruitment as a member of the contract staff shall require at least:

- (a) in function group I, successful completion of compulsory education;
- (b) in function groups II and III:
 - (i) a level of post-secondary education attested by a diploma, or
 - (ii) a level of secondary education attested by a diploma giving access to post-secondary education, and appropriate professional experience of at least three years, or
 - (iii) where justified in the interest of the service, professional training or professional experience of an equivalent level;
- (c) in function group IV:
 - (i) a level of education which corresponds to completed university studies of at least three years attested by a diploma, or
 - (ii) where justified in the interest of the service, professional training of an equivalent level.

CEOS: Article 87(3)

3. In the case of contract staff referred to in Article 3a, classification in the next higher grade in the same function group shall be by decision of the authority referred to in the first paragraph of Article 6. It shall be effected by classifying such contract staff in the first step of the next higher grade. Such advancement shall be exclusively by selection from among contract staff referred to in Article 3a with a contract of at least three years who have completed a minimum period of two years in their grade, after consideration of the comparative merits of such contract staff eligible for advancement to a higher grade and of the reports on them. The last sentence of Article 45(1) of the Staff Regulations shall apply by analogy.

CEOS: Article 86

1. Contract staff referred to in Article 3a shall only be recruited

- (i) in grades 13, 14, or 16 for function group IV,
- (ii) in grades 8, 9 or 10 for function group III,
- (iii) in grades 4 or 5 for function group II,
- (iv) in grade 1 for function group I.

The grading of such contract staff within each function group shall take account of the qualifications and experience of the persons concerned. To address specific needs of the institutions, labour market conditions prevailing in the Union may also be taken into account. Within their grade, such contract staff shall be recruited in the first step. However, the second paragraph of Article 32 of the Staff Regulations shall apply by analogy to contract staff recruited in grade 1.

General implementing provisions shall be adopted to give effect to this paragraph in accordance with Article 110 of the Staff Regulations.

2. Where a member of the contract staff referred to in Article 3a moves to a new post within a function group, he shall not be classified in a lower grade or step than in his former post.

Where a member of such contract staff moves to a higher function group, he shall be classified at a grade and step such that his remuneration is at least equal to that to which he was entitled under the preceding contract.

The same provisions shall apply where the member of such contract staff concludes a new contract with an institution or body immediately following a preceding contract for such contract staff with a different institution or body

CEOS: Article 89(1)

1. Contract staff referred to in Article 3b may be recruited to any grade of function groups II, III and IV as referred to in Article 80, taking into account the qualifications and experience of the persons concerned. To address specific needs of the institutions, labour market conditions prevailing in the Union may also be taken into account. Within their grade, such contract staff shall be recruited in the first step.



The classification in the function group is no longer determined at the time of the establishment of the contract but at the date of entry into service and taking into account the professional qualifications and experience acquired at that time.

The qualifications and professional experience which are taken into account for classification are those acquired between the date on which the contract staff member met the minimum qualifications for recruitment (in the function group) and **the date of his entry into service**. It is no longer the qualifications and professional experience acquired from the date on which the contract staff member meets the minimum qualifications to be engaged

SFE questions the meaning of the words "date of entry into service"

It should be made clear that "in interpreting a provision of Community law, account must be taken of not only the terms of the provision but also its context and the objectives pursued by the rules of which it forms part, as well as all the provisions of Community law [...]"⁸.

Article 5 (6) of that decision clearly states that grading is determined on entry into service and shall not be revised in the course of the contract including any renewals thereof.

Article 9 of the same decision, which deals with changes in the assignment of the contract agent within the Commission, states that this change gives rise to an amendment to the contract.

But Article 10 of that decision provides for the case of the succession of contracts, in which case a new contract is concluded following the first⁹. Paragraph 2 of this article refers to Annex III of the Decision for different cases of succession of contracts. When reading this annex, it is noted that in the event of a succession of contracts, there is a new classification carried out, which leads, as the case may be - and in particular according to the type of contract agent - to apply the provisions of Article 5 of the decision, to keep the same grade, step and seniority acquired under the old contract, or to apply Article 86, §2, subparagraph 2 of the CEOS¹⁰.

The declared purpose of the new decision of 2017 is really to allow greater mobility of contractual agents and to offer them prospects of evolution. This involves the possibility of changing rank and function group and mobility between departments and within them. This also involves the use of internal competitions to reward the most deserving staff (see recital 2 of the Decision).

⁸ Judgment of 29 September 2009, *O/Commission*, F-69/07 et F-60/08, ECLI:EU:F:2009:128, point 114 and case law cited.

⁹ It is not simply a renewal of the contract.

¹⁰ That is to say a classification to a grade and a step allowing him to receive a remuneration at least equal to that which he perceived under his former contract

In this context, it does not seem legitimate for us to consider entry into service as the initial recruitment by an institution, regardless of the contractual relationship, the change of contract or the eventual change of institution thereafter. If not, how would the contract agent, who would acquire the minimum qualifications required during the contract with an institution, see his experience, since his entry into initial service, valued during a change of function group or contract?

It seems that this interpretation should rather be understood as the recruitment, the entry into function within a service and therefore at the time of the conclusion of a new contract. This would make it possible to take into account, in the perspective of to progress and gaining access to a higher function group, the professional qualifications and experience that would have been acquired since the minimum recruitment requirements for a function group were obtained up to this new entry into function. This interpretation was, in our opinion, the one that already prevailed under the former 2011 decision.

It is, however, imperative to bear in mind that, in accordance with Article 1, §1 of Annex II of the 2017 Decision related to how take account of qualifications and professional experience for classification purposes in the function group, the same period can be valued only once¹¹.

The conditions relating to the length of professional experience and qualifications required for each grade within each function group have been harmonized between CA 3b and CA 3a. Here are the changes of the ranks at the entrance:

CONTRACT AGENTS				
FG	Grades	Before C(2011) 1264		After C(2017)6760
		3ter/ 3b	3bis/ 3a	For all CA
IV	18	21 years or more		
	17	Between 17 and 21 years		
	16	Between 13 and 17 years	21 years or more	17 years or more
	15	Between 9 and 13 years		
	14	Between 5 and 9 years	Between 8 and 21 years	Between 5 and 17 years
	13	Less than 5 years	Less than 8 years	Less than 5 years
III	12	20 years or more		
	11	Between 15 and 20 years		
	10	Between 10 and 15 years	15 years or more	15 years or more
	9	Between 5 and 10 years	Between 7 and 15 years	Between 5 and 15 years
	8	Less than 5 years	Less than 7 years	Less than 5 years
II	7	20 years or more		
	6	Between 10 and 20 years		
	5	Between 5 and 10 years	7 years or more	5 years or more
	4	Less than 5 years	Less than 7 years	Less than 5 years
I	3			
	2			
	1		Entry grade 1	Entry grade 1 (only for CA 3a)

But what is found in Article 89 (1) of the Conditions of Employment of Other Servants (CEOS)?

¹¹ This clarification was already included in Article 1 of Annex IV to the 2011 DGEs as amended by the Decision of 16/12/2013

Unlike CA 3a, the classification of CA 3b at the time of recruitment is not restricted to grades 4, 5, 8, 9, 10, 13, 14 or 16. They may be recruited at any grade in function group II, III and IV.

As already foreseen in the 2011 Decision, however, CA 3b can not be recruited in function group I, unlike CA 3a.

The grades to which Contract Agent 3a may be recruited are defined by Article 86 (1) of the Conditions of Employment.

Possible derogations?

By way of derogation, the AECE may, at the request of a service, classify a member of the contract staff engaged in function groups II, III and IV in a grade in his function group higher than those in the table above. column entitled "After C (2017) 6760".

This measure already existed since it was provided for in §6 of Article 5. The new decision, on the basis of §4 of its Article 5, broadens the criteria for classifying the member of the contract staff in a higher grade. those in the above tables) of his function group and requires a reasoned request from the service concerned. Thus, not only the labour market conditions for the profile in question are taken into consideration, but may also be taken into account, in particular, the professional qualifications and experience required, or the functions and level of responsibility to be exercised.

But for what reasons, would a derogation be possible? Special expertise? a nationality that is not sufficiently representative within the contract agents?

Indeed, as already expressed by the trade unions during the negotiations, the status of contract agent is not favorable for certain nationalities.

The provision of conditions severely penalizing the conditions of access to the jobs of contract agents, by very largely restricting the possibilities offered by the arts. 86, second paragraph, and 89 of the CEOS and by the last GIPs in force, would amplify the geographical imbalance by making it politically untenable the establishment of a real policy of internal competitions.

1. The laureates who agree to work in our institutions are mostly people residing in the country where the institution is located.
2. The laureates who have to leave their place of origin, often with a family, are reluctant to come only for a limited-time contract.
3. Since recruitments are based on the profile sought, there is no minimum quota per nationality.
4. The working conditions of CAs (less attractive salaries in basic grades) and job instability / insecurity (limited-duration contracts) are less attractive for potential candidates residing and having the nationality of countries other than those where the majority of European institutions are established.

Note that for the grades at the entrance of function group III, grade 10 was also intended to be deleted in this new decision.

Less favorable entry rankings for CA 3b

Compared to the old decision, there is a decrease in the number of entry grades for CA 3b and their experience is less favorably considered (see the table on the previous page). Yes, but it should perhaps be remembered that CA 3b can be recruited at any grade of function groups II, III and IV, which is not the case of CA 3a (see limit posed by the Article 86 §1 of the CEOS).

Below you will find a few examples of CA 3b' entry ranking which, with the same number of years of experience, are classified differently depending on whether it is decision C (2011) 1264 or the new decision C(2017) 6760 which applies:

Decision	C(2011) 1264	C(2017) 6760	
Offer of employment	Before November 2017	After 1 st November 2017	
Institution	Commission	Commission	
FG	CA 3b FGII	CA 3b FGII	- 1 grade
Experience	Between 10 and 20 years	5 years or more	
Grade	6	5	

Experience	20 years or more	5 years or more	- 2 grades
Grade	7	5	

Decision	C(2011) 1264	C(2017) 6760	
Offer of employment	Before November 2017	After 1 st November 2017	
Institution	Commission	Commission	
FG	CA 3b FGIII	CA 3b FGIII	- 1 grade
Experience	Between 10 and 15 years	Between 5 and 15 years	
Grade	10	9	

Experience	20 years or more	15 years or more	- 2 grades
Grade	12	10	

Décision	C(2011) 1264	C(2017) 6760	
Offer of employment	Before November 2017	After 1 st November 2017	
Institution	Commission	Commission	
FG	CA 3b FGIV	CA 3b FGIV	- 2 grades
Experience	Between 13 and 17 years	Between 5 and 17 years	
Grade	16	14	

Experience	21 years or more	17 years or more	- 2 grades
Grade	18	16	

Review of the classification of contractual agents 3b

On the other hand, 3b contract agents classified in the first grade of their function group at the time of their appointment may be re-examined when their contracts are renewed, provided that the total duration of the appointment has reached three years.

In addition, it should also be noted that with these new GIPs, CA 3b lose the benefit of the 24-month increment if they can claim a professional experience of at least 3 years.

More favorable entry rankings for CA 3a

In each function group, the entry grades of the new contract agents 3bis are more favorable than those of the former contract agents 3a.

This will create discriminatory situations between contract agents of the same function group and having the same number of years of experience. If this is the case (regarding the reduced number of grades), it should not be forgotten that experience is taken into account differently: thus fewer years of experience are sometimes required to be able to change grade. Probably budgetary questions explain this reduction in the number of grades (to be seen according to the remuneration that is granted in the event of a change of grade compared to what was foreseen under the 2011 Decision). Here is an example:

	C(2011) 1264 Before November 2017		C(2017) 6760 Commission: After 1/11/2017 Agencies: gradually as adoption by her institution
	2017		2018
Institution	Commission	Agences / Offices	Agencies / Offices
CA Contract	3b	3a	3a
FG	IV	IV	IV
Experience	18 years	18 years	18 years
Grade	17	14	16

In this example, those who have been hired or who have received their offer of appointment before the adoption of decision C (2017) 6760 in their institution, will have, according to their experience, up to 2 grades less than new colleagues.

Even in the event of possible renewals, they will continue to be classified according to the grade indicated in their offer of commitment!

In the recognition of work experience and qualification, there are the following changes:

1. Professional experience is now defined as *"any remunerated activity performed by the contract staff member in accordance with Article 5 (1) of this Decision"*.
2. Free lance interpreters:
 - a. Taking into account their effective working days of interpretation: 100 instead of 130 are assimilated to one year of professional experience.
3. Free Translator launches:
 - a. Taking into account their effective working days of interpretation: Five pages instead of eight are considered as a working day.

- b. Deletion of the line saying that "220 days of work are equivalent to one year of professional experience".
- 4. On the other hand, volunteer activities are no longer recognized.
- 5. Furthermore, the condition laid down in § 2 of Article 3 of the 2011 Decision that professional experience should be duly justified and related to one of the Commission's areas of activity in order to be taken into account. account when grading, is no longer resumed.

In the qualifications that are taken into account

In the first indent:

*"Provided that the education or training corresponds at least to the level of the diploma taken into account for access to the function group and includes at least one **full-time** academic year";*

The term 'full-time' has been added by the Decision adopting the new GIPs for contract staff. To see what the Administration means by "full time" concerning training courses or studies that seem to us, in general, to be followed full time. Unless the Administration tries to exclude the courses followed in spread over several years (example of the Master of 1 year followed by 2 years if one practices a profession in parallel for example).

In the third indent:

"Provided that such studies and training were carried out after graduation taken into account for access to the function group. On the other hand, the studies followed and the qualifications obtained before the diploma giving access to the function group are not taken into account. "

A change has also occurred here since the 2011 version stipulated that training corresponding to the diploma giving access to the function group was not taken into account. The new decision states that pre-diploma training giving access to the function group is not taken into account. Given the first sentence of this paragraph, which hardly changes from the one provided for in the 2011 Decision, this seems to us to be of little use.

The savings made thanks to this new decision

Following the application of this new decision, this will result in significant savings for the Commission and the other institutions. But in the long run, will these savings really be profitable for institutions that will end up with contract agents still looking for improvements in their terms and conditions of employment?

The Commission had many difficulties in attracting talent from all European countries to work in the institutions as contract agents.

With these discounts, we can ask ourselves the question of what will be the new population of contract agents? Age? Experience? Nationalities?

What will the Commission be tomorrow?

9. DURATION OF CA 3A CONTRACTS

BEFORE	ARTICLE 6	C(2011) 1264
1.	A contract staff member shall be engaged for an initial period of two years and for an initial period of three years in a delegation or Commission representation.	
2.	If the contract is renewed, the duration of the contract shall be not less than one year.	
3.	Without prejudice to paragraph 5, any subsequent renewal shall be for an indefinite period under the terms of Article 85 of the CEOS.	
4.	Where justified in the interests of the service, the authority authorised to conclude contracts of employment may agree to contracts of a different length, with due regard for the durations referred to in Article 85(1) of the CEOS, including in exceptional circumstances an initial contract for an indefinite period. In that case the department to which the staff member is to be assigned shall submit a request for a contract of a different duration, giving reasons.	
5.	Previous contracts shall be taken into account for the purpose of awarding an indefinite contract only if they succeeded one another without interruption, or with an interruption or interruptions of no more than six months.	
Now	ARTICLE 7	C(2017) 6760

- (1) In application of *Article 85 of the CEOS*, subject to passing the selection procedure set out in Article 2 and without prejudice to Article 2(3):
 - CA 3a staff shall be engaged for an initial period of at least one year and at most two years or, in the case of the Commission's delegations and representations, for an initial duration of at least two years and at most three years;
 - if the contract is renewed, the duration of the contract shall be not less than one year;
 - if the contract is renewed again, the contract shall be concluded for an indefinite period.
- (2) By way of derogation from paragraph 1, first and second indents, the recruiting department may ask the AECE for other contract durations, in particular a minimum duration of six months to cover maternity or sick leave.
- (3) In the event of interruption, the contract may not be renewed.

CHANGES IN THE TEXT

- (1) ~~A contract~~In application of Article 85 of the CEOS, subject to passing the selection procedure set out in Article 2 and without prejudice to Article 2(3):
- ~~1. CA 3a staff member shall be engaged for an initial period of at least one year and at most two years and or, in the case of the Commission's delegations and representations, for an initial period of duration of at least two years and at most three years in a delegation or Commission representation.;~~
 - ~~2. If the contract is renewed, the duration of the contract shall be not less than one year.;~~
 - ~~3. Without prejudice to paragraph 5, any subsequent renewal if the contract is renewed again, the contract shall be concluded for an indefinite period under the terms of Article 85 of the CEOS.~~
 - ~~4. Where justified in the interests of the service, the authority authorised to conclude contracts of employment may agree to contracts of a different length, with due regard for the durations referred to in Article 85(1) of the CEOS, including in exceptional circumstances an initial contract for an indefinite period. In that case the department to which the staff member is to be assigned shall submit a request for a contract of a different duration, giving reasons.~~
 - ~~5. Previous contracts shall be taken into account for the purpose of awarding an indefinite contract only if they succeeded one another without interruption, or with an interruption or interruptions of no more than six months.~~
- (2) By way of derogation from paragraph 1, first and second indents, the recruiting department may ask the AECE for other contract durations, in particular a minimum duration of six months to cover maternity or sick leave.
- (3) In the event of interruption, the contract may not be renewed.

STAFF REGULATIONS/ CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION.

CEOS: Article 85

1. The contracts of contract staff referred to in Article 3a may be concluded for a fixed period of at least three months and not more than five years. They may be renewed not more than once for a fixed period of not more than five years. The initial contract and the first renewal must be of a total duration of not less than six months for function group I and not less than nine months for the other function groups. Any further renewal shall be for an indefinite period.

Periods covered by a contract as a member of the contract staff referred to in Article 3b shall not be counted for the purposes of the conclusion or renewal of contracts under this Article.

2. By way of derogation from the last sentence of the first subparagraph of paragraph 1, the Appointing Authority may decide that only the fourth renewal of a contract for a member of function group I shall be for an indefinite period, provided that the total duration of his engagement for a fixed period does not exceed ten years.

3. Contract staff in function group IV shall before renewal of a contract for an indefinite period be required to demonstrate the ability to work in a third language among those referred to in Article 55(1) of the Treaty on European Union. The common rules on access to training and the modalities of the assessment mentioned in Article 45(2) of the Staff Regulations shall apply by analogy.

4. Contract staff must have served a probationary period in accordance with Article 84 before renewal of a contract for an indefinite duration.



The permanent contract (CDI) can be obtained more quickly (1 + 1 + CDI) but **in case of interruption, the renewal can not take place!**

CA 3a function group IV will have to be attentive because before renewing their contract for an indefinite period, they will have to demonstrate their ability to work in a third language (level 6). See CEOS, Article 85.3

Another point not to neglect:

When the interest of the service justifies it, the minimum duration of 6 months to cover a maternity leave (MAT) or illness (MAL), can be interpreted as a replacement for a contract of indefinite duration (CDI) by a contract of duration determined (CDD).

Does that mean that there would be no renewal as planned at the end of his contract? In fact, this would mean that an CA 3a would have the same vocation as an CA 3b, namely the replacement of a person in long absence sickness / maternity leave. This mention allows offices and Agencies, in particular, to use a short-term contract (minimum 6 months) to compensate for these absences, with no obligation to extend a contract or permanent contract.

Another interesting detail in this article is a clear definition of the type of absence that can be replaced (see Maternity leave, sick leave), such as leave for personal reasons (CCP or CSR), parental leave (+ parental leave extension).

It should be noted that the use of several of these leaves could go well beyond 6 months of absence (1 month of sickness absence + 20 weeks of MAT + 6 of parental leave + 6 months of extension), which would lengthen the more the duration and the succession of fixed-term contracts in CA 3a.

What some colleagues at the Headquarter imagine about staff working in delegations



No, the life in the delegations is not always nice...



BEFORE					
CA 3a	Duration of contracts				
	Initial contract	In case of renewal	Contract for an indefinite period	Where justified in the interests of the service, the authority authorised	
Commission	2 years	Not less than one year	Contract for an indefinite period*	the authority authorised to conclude contracts of employment may agree to contracts of a different length, including in exceptional circumstances an initial contract for an indefinite period	* Previous contracts shall be taken into account for the purpose of awarding an indefinite contract only if they succeeded one another without interruption, or with an interruption or interruptions of no more than six months.
Commission's delegations and representations	3 years				
NOW					
CA 3a	Duration of contracts				
	Initial contract	In case of renewal	Contract for an indefinite period	By way of derogation	
Commission	at least 1 year and at most 2 years	Not less than one year *	Contract for an indefinite period*	The recruiting department may ask the AECE for other contract durations, in particular a minimum duration of six months to cover maternity or sick leave.	* In the event of interruption, the contract may not be renewed
Commission's delegations and representations	at least 2 year and at most 3 years				

GEOS: Article 85

	Duration of contracts			
	Initial contract	In case of renewal	The cumulative duration of the initial contract and the first renewal	Contract for an indefinite period
CA 3a	at least 3 months and 5 years maximum	maximum 5 years	FGI: not minder than 6 months FGII / FGIII/ FGIV: not minder than 9 months	<p>Any further renewal shall be for an indefinite period.</p> <p>EXCEPT:</p> <ul style="list-style-type: none"> - GFI: By way of derogation, the Appointing Authority may decide that only the fourth renewal of a contract for a member of function group I shall be for an indefinite period, provided that the total duration of his engagement for a fixed period does not exceed ten years. - GFIV: before renewal of a contract for an indefinite period be required to demonstrate the ability to work in a third language among those referred to in Article 55(1) of the Treaty on European Union. The common rules on access to training and the modalities of the assessment mentioned in Article 45(2) of the Staff Regulations shall apply by analogy. <p>Contract agent must have served a probationary period in accordance with Article 84 before renewal of a contract for an indefinite duration.</p>



10. DURATION OF CA 3B CONTRACTS

BEFORE

ARTICLE 7

C(2011) 1264

Decision C(2011) 1264 as amended by Decision C(2013) 8967 of 16/12/2013 (see amendments in the text).

1. Subject to the budgetary rules in force at the Commission and the provisions of the Commission decisions on the maximum duration for the recourse to non-permanent staff in the Commission services, auxiliary contract staff shall be engaged for a fixed period, renewable up to a total duration of **six** years, including services rendered in all function groups.
2. Members of the auxiliary contract staff shall be engaged for an initial period of one year. If the contract is renewed, the **standard duration of the first renewal contract** shall as a general rule be two years. However, where justified in the interests of the service, the authority authorised to conclude contracts of employment may specify a different duration.

Now

ARTICLE 8

C(2017) 6760

- (1) In application of *Article 88 of the CEOS*, subject to passing the selection procedure in Article 2 and without prejudice to Commission decisions on the maximum duration for the recourse to non-permanent staff in its services, and to Article 2(3):
 - the standard duration of an initial CA 3b contract shall be between at least one year and at most three years;
 - if the contract is renewed, the standard duration of the renewal shall be at least one year according to the needs of the service.
- (4) By way of derogation from paragraph 1, the recruiting department may ask the AECE for other contract durations, although the initial contract may not exceed three years, in particular a minimum duration of six months to cover maternity or sick leave.
- (5) In the event of interruption, the contract may not be renewed.
- (6) In any case, the total duration of engagement of a CA 3b may not exceed six years, including all tasks rendered in all function groups as a CA 3b.

CHANGES IN THE TEXT

- ~~1-(1) Subject~~In application of Article 88 of the CEOS, subject to passing the budgetary rules~~selection procedure in force at the Commission~~Article 2 and the provisions of the~~without prejudice to~~ Commission decisions on the maximum duration for the recourse to non-permanent staff in ~~the Commission's~~ its services, ~~auxiliary contract staff shall be engaged for a fixed period, renewable up to a total duration of three years, including services rendered in all function groups, and to Article 2(3):~~
- ~~- Members of the auxiliary contract staff shall be engaged for the standard duration of an initial period of~~CA 3b contract shall be between at least one year. If and at most three years;
 - ~~- if the contract is renewed, the standard duration of the contract renewal shall as a general rule be two years. However, where justified in at least one year according to the interests~~needs of the service, the authority authorised to conclude contracts of employment,
- (2) By way of derogation from paragraph 1, the recruiting department may specify a different task the AECE for other contract durations, although the initial contract may not exceed three years, in particular a minimum duration of six months to cover maternity or sick leave.
- (3) In the event of interruption, the contract may not be renewed.
- (4) In any case, the total duration of engagement of a CA 3b may not exceed six years, including all tasks rendered in all function groups as a CA 3b.

STAFF REGULATIONS/ CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION.

CEOS: Article 88

In the case of contract staff referred to in Article 3b:

- (a) *contracts shall be concluded for a fixed period; they shall be renewable;*
- (b) *the actual period of employment within an institution, including any period under renewal, shall not exceed six years .*

Periods covered by a contract as a member of the contract staff referred to in Article 3a shall not be counted for the purposes of the conclusion or renewal of contracts under this Article.



The fixed-term contract (CDD) can be quickly but in case of interruption, the renewal cannot take place!

The first contract of 3b contract agents can be up to three years.

The total duration is six years, all types of tasks and all function groups as CA 3b combined. This sentence does not include the acting and / or temporary agent period. Indeed, for many years, DG HR interpreted the 6-year rule to include an acting or temporary agent period, which was detrimental to CA 3b, who saw the length of its contract shortened.

The practice with these new GIPs is thus the granting of a maximum of 6 years as CA 3b + 1 year of temporary agent (and conversely), the total duration not exceeding 7 years within the same institution.

Note that this accumulation does not take into account the contract (s) as CA 3a that the person could have had.

BEFORE				
	Duration of contracts			
	Initial contract	In case of renewal	Cumulative Total duration	Where justified in the interests of the service
CA 3b	1 year	2 years	3 years including services rendered in all function groups	The authority authorised to conclude contracts of employment may specify a different duration

NOW					
	Duration of contracts				
	Initial contract	In case of renewal	Total duration	By way of derogation	
CA 3b	at least 1 year or maximum 3 years	at least 1 year depending on the needs of the service	6 years, including all tasks rendered in all function groups as a CA 3b	the recruiting department may ask the AECE for other contract durations, although the initial contract may not exceed three years, in particular a minimum duration of six months to cover maternity or sick leave.	In the event of interruption, the contract may not be renewed

GEOS: Article 88				
	Duration of contracts			
	Initial contract	In case of renewal	Total duration	
CA 3b	definite		Not more than 6 years	Periods covered by a contract as a member of the contract 3a shall not be counted for the purposes of the conclusion or renewal of contracts CA 3b

11. CHANGE OF ASSIGNMENT

BEFORE

C(2011) 1264

Now

ARTICLE 9

C(2017) 6760

- (1) If a CA 3a changes assignment in the Commission, the AECE shall amend the ongoing contract.
- (7) If a CA 3b changes assignment in the Commission, the AECE shall amend the ongoing contract.



Contract agents have employment contracts.

Labour law requires the signature of an amendment as soon as the proposed change concerns the amount of the salary or the duration of the work. Conversely, an endorsement is not necessary.

Assignments to another workstation within the same establishment should not be considered as modifications to the employment contract itself since a change of assignment does not mean a change of Authority empowered to conclude contracts of employment (AECE). In the Commission, the AECE is still DG HR.

12. SUCCESSIVE CONTRACTS

BEFORE

ARTICLE 9

C(2011) 1264

Decision C(2011) 1264 as amended by Decision C(2013) 8967 of 16/12/2013 (see amendments in the text)

1. Members of the contract staff who were under contract to another institution within the meaning of Article 1a of the Staff Regulations and who are engaged by the Commission under a new contract as a member of the contract staff in the same function group without interruption or with an interruption of six months or less shall be subject to the following rules:
 - a) a contract staff member in such a situation shall be assumed to have complied with the selection procedures referred to in Article 3(1) if, prior to his or her engagement with the other institution, he or she had passed a selection procedure comparable to that described in Article 2 of Annex II to this Decision.
 - b) The Commission shall engage such a contract staff member only if he or she was confirmed in his or her post following a probationary period as laid down in Article 84 of the CEOS. In that case the obligation to complete a further probationary period shall be waived. The Commission shall take the staff member's previous contracts into account for the purposes of possibly concluding a contract for an indefinite period.
 - c) In exceptional circumstances, the Commission may engage such a contract staff member who has not served a probationary period, who has not completed a probationary period or who has not been confirmed in his or her post following a probationary period under the terms of Article 84 of the CEOS. In that case he or she shall be under an obligation to serve a full probationary period in accordance with Article 8. The Commission shall not take his or her previous contracts into account for the purposes of concluding a contract for an indefinite period.
 - d) If the contract with the other institution was for an indefinite period, the contract staff member shall also be engaged by the Commission for an indefinite period.
 - e) The contract staff member shall be placed in the most favourable grade resulting from:
 - the maintenance of his or her grade, step and seniority within the grade and step, or
 - grading in accordance with the provisions of Article 5.
- The authority authorised to conclude contracts of employment may take account of grade when deciding whether it is appropriate to engage such a contract staff member.
2. Members of the contract staff who were under contract to another institution within the meaning of Article 1a of the Staff Regulations and who are engaged by the Commission under a new contract as a member of the contract staff in a different function group without interruption or with an interruption of six months or less shall be subject to the following rules:
 - a) If the contract with the other institution was for an indefinite period, the contract staff member shall also be engaged by the Commission for an indefinite period.

However, earlier fixed-term contracts shall not be taken into account by the Commission for the purposes of concluding a contract for an indefinite period.

- b) The contract staff member shall be required to serve a probationary period in accordance with Article 8.
- c) With regard to grading, the following rules shall apply:
 - i. if engaged to perform duties in a higher function group, the contract staff member shall be placed in the most favourable grade resulting from:
 - the application of the rule laid down in Article 86(2) of the CEOS that the basic salary is to be maintained, choosing the lowest grade possible taking account of the steps, or
 - grading in accordance with the provisions of Article 5;
 - ii. if engaged to perform duties in a lower function group, the contract staff member shall be graded in accordance with the provisions of Article 5.

The authority authorised to conclude contracts of employment may take account of grade when deciding whether it is appropriate to engage such a contract staff member.

3. Members of the contract staff who were under contract to the departments and offices referred to in Article 1 and who are engaged by the Commission under a new contract as a member of the contract staff in another function group without interruption or with an interruption of six months or less shall be subject to the following rules:

- a) A member of the contract staff who had a contract for an indefinite period shall be offered an indefinite contract in the new function group.
- b) The contract staff member must serve a probationary period as laid down in Article 84 of the CEOS and Article 8 of this Decision. If the outcome of the probationary period in the new function group is unsatisfactory, the authority authorised to conclude contracts of employment shall endeavour to identify vacant posts within the institution corresponding to the previous function group and for which the staff member has the necessary qualifications. If such vacant posts are identified, the authority authorised to conclude contracts of employment may re-employ the staff member in his or her previous function group. In that case, he or she shall be engaged at the grade, step and seniority held in the previous function group prior to appointment to the new function group.
- c) With regard to grading, the following provisions shall apply:
 - i. if engaged to perform duties in a higher function group, the contract staff member shall be placed in the most favourable grade resulting from:
 - the application of the rule laid down in Article 86(2) of the CEOS that the basic salary is to be maintained, choosing the lowest grade possible taking account of the steps, or
 - grading in accordance with the provisions of Article 5;
 - ii. if engaged to perform duties in a lower function group, the contract staff member shall be graded in accordance with the provisions of Article 5.

4. **Where an agent who was under contract with the departments and offices referred to in Article 1 is engaged by the Commission in the same function group with an**

interruption of less than or equal to six months, the rules governing the renewal of contracts shall apply by analogy.

Now

ARTICLE 10

C(2017) 6760

- (1) The engagement by the Commission of a CA 3a or CA 3b immediately after a CA 3a or CA 3b contract with the Commission or another institution within the meaning of Article 1a of the Staff Regulations shall require a new contract.
- (2) The rules applicable to the different situations referred to in paragraph 1 are set out in Annex III.

Annex III: Rules applicable to changes in engagement following a contract with the Commission or with another institution within the meaning of Article 1a of the Staff Regulations

I – Successive contracts within the same function group

Article 1 – Successive CA 3a contracts within the same function group

A CA 3a who concludes a CA 3a contract with the Commission in the same function group immediately after a CA 3a contract with another institution within the meaning of [Article 1a of the Staff Regulations](#), will be subject to the following rules:

- (1) He or she will not be subject to the preselection tests referred to in Article 2(2)(c) of Annex I if he or she successfully passed equivalent selections tests before being engaged by the other institution.
- (2) He or she will be invited by the Commission department wishing to engage him or her to an interview before a selection board in accordance with Article 2(2)(d) of Annex I.
- (3) If the CA 3a was confirmed in his or her duties by the other institution at the end of the probationary period provided for in [Article 84 of the CEOS](#), he or she will be exempt from the requirement to serve another probationary period.

If the CA3a did not serve the probationary period provided for in Article 84 of the CEOS in the other institution, did not complete it or was not confirmed in his or her duties at the end of the probationary period, he or she will have to serve the whole of the probationary period at the Commission under the conditions set out in Article 11 of the Decision.

- (4) For the purposes of Article 7 of the Decision, the number of contracts concluded previously with the other institution will be taken into account by the Commission when the new contract is being concluded, except in the case provided for in paragraph (3).

This means that a CA 3a who had an indefinite contract with the other institution will also be engaged for an indefinite period by the Commission.

- (5) Pursuant to [Article 86\(2\), third subparagraph, of the CEOS](#), the CA 3a will be classified in the most favourable function group, resulting from:
 - the maintenance of his or her grade, step and seniority within the grade and step during his or her previous contract, or

- the grading in accordance with Article 5.

Article 2 – Successive CA 3b contracts within the same function group

A CA 3b who concludes a CA 3b contract with the Commission in the same function group immediately after a CA 3b contract with another institution within the meaning of [Article 1a of the Staff Regulations](#), will be subject to the following rules:

- (1) He or she will not be subject to the preselection tests referred to in Article 2(2)(c) of Annex I if he or she successfully passed equivalent selections tests before being engaged by the other institution.
- (2) He or she will be invited by the Commission department wishing to engage him or her to an interview before a selection board in accordance with Article 3, first subparagraph, of Annex I.
- (3) He or she will be required to serve the probationary period provided for in [Article 84 of the CEOS](#) at the Commission under the conditions in Article 11 of the Decision.
- (4) For the purposes of Article 8 of the Decision, the AECE will conclude a new CA 3b contract.
- (5) He or she will be classified in the function group in accordance with Article 5 of the Decision.

Article 3 – CA 3a contract succeeding a CA 3b contract within the same function group

A CA 3b who concludes a CA 3a contract with the Commission in the same function group immediately after a CA 3b contract with the Commission or another institution within the meaning of [Article 1a of the Staff Regulations](#), will be subject to the following rules:

- (1) He or she will not be subject to the preselection tests referred to in Article 2(2)(c) of Annex I if he or she successfully passed equivalent selections tests before being engaged by the other institution.
- (2) He or she will be invited by the Commission department wishing to engage him or her to an interview before a selection board in accordance with Article 2(2)(d) of Annex I.
- (3) He or she will be required to serve the probationary period provided for in [Article 84 of the CEOS](#) at the Commission under the conditions in Article 11 of the Decision.
- (4) For the purposes of Article 7 of the Decision, the AECE will conclude a new CA 3a contract.
- (5) He or she will be classified in the function group in accordance with Article 5 of the Decision.

Article 4 – CA 3b contract succeeding a CA 3a contract within the same function group

A CA 3a who concludes a CA 3b contract with the Commission in the same function group immediately after a CA 3a contract with the Commission or another institution within the meaning of [Article 1a of the Staff Regulations](#), will be subject to the following rules:

- (1) He or she will not be subject to the preselection tests referred to in Article 2(2)(c) of Annex I if he or she successfully passed equivalent selections tests before being engaged by the other institution.
- (2) He or she will be invited by the Commission department wishing to engage him or her to an interview before a selection board in accordance with Article 3, first subparagraph, of Annex I.
- (3) He or she will be required to serve the probationary period provided for in [Article 84 of the CEOS](#) at the Commission under the conditions in Article 11 of the Decision.
- (4) For the purposes of Article 8 of the Decision, the AECE will conclude a new CA 3b contract.
- (5) He or she will be classified in his or her function group at the most favourable grade resulting from:
 - the maintenance of his or her grade, step and seniority within the grade and step during his or her previous contract, or
 - the grading in accordance with Article 5.

II – Successive contracts in a different function group

Article 5 – Successive CA 3a contracts in different function groups

A CA 3a who concludes a CA 3a contract with the Commission in a different function group immediately after a CA 3a contract with the Commission or another institution within the meaning of [Article 1a of the Staff Regulations](#), will be subject to the following rules:

- (1) He or she must pass the selection procedure set out in Article 2 of Annex I to the Decision.
- (2) He or she will be required to serve the probationary period provided for in [Article 84 of the CEOS](#) at the Commission under the conditions in Article 11 of the Decision.
- (3) For the purposes of Article 7, the number of contracts previously concluded with the other institution will not be taken into account by the Commission when concluding the new contract, except where the CA 3a had an indefinite contract with the other institution, in which case he or she will also be engaged by the Commission for an indefinite period in the new function group.
- (4) As regards classification in the function group:
 - a) If the engagement is in a higher function group than the one to which he or she belonged in the other institution, the CA 3a will be classified in his or her function group at the most favourable grade resulting from:
 - the application of [Article 86\(2\), second subparagraph, of the CEOS](#), using the lowest grade taking into account the steps, or
 - the grading in accordance with Article 5.
 - b) If the engagement is in a lower function group than the one to which he or she belonged in the other institution, the CA 3a will be classified in accordance with Article 5.

Article 6 – Successive CA 3b contracts in different function groups

A CA 3b who concludes a CA 3b contract with the Commission in a different function group immediately after a CA 3b contract with the Commission or another institution within the meaning of *Article 1a of the Staff Regulations*, will be subject to the following rules:

- (1) He or she must pass the selection procedure set out in Article 3 of Annex I to the Decision.
- (2) He or she will be required to serve the probationary period provided for in *Article 84 of the CEOS* at the Commission under the conditions in Article 11 of the Decision.
- (3) For the purposes of Article 8 of the Decision, the AECE will conclude a new CA 3b contract.
- (4) He or she will be classified in the function group in accordance with Article 5 of the Decision.

Article 7 – CA 3b contract succeeding a CA 3a contract in a different function group

A CA 3a who concludes a CA 3b contract with the Commission in a different function group immediately after a CA 3a contract with the Commission or another institution within the meaning of *Article 1a of the Staff Regulations*, will be subject to the following rules:

- (1) He or she must pass the selection procedure set out in Article 3 of Annex I to the Decision.
- (2) He or she will be required to serve the probationary period provided for in *Article 84 of the CEOS* at the Commission under the conditions in Article 11 of the Decision.
- (3) For the purposes of Article 8 of the Decision, the AECE will conclude a new CA 3b contract.
- (4) He or she will be classified in the function group in accordance with Article 5 of the Decision.

Article 8 – CA 3a contract succeeding a CA 3b contract in a different function group

A CA 3b who concludes a CA 3a contract with the Commission in a different function group immediately after a CA 3b contract with the Commission or another institution within the meaning of *Article 1a of the Staff Regulations*, will be subject to the following rules:

- (1) He or she must pass the selection procedure set out in Article 2 of Annex I to the Decision.
- (2) He or she will be required to serve the probationary period provided for in *Article 84 of the CEOS* at the Commission under the conditions in Article 11 of the Decision.
- (3) For the purposes of Article 7 of the Decision, the AECE will conclude a new CA 3a contract.
- (4) He or she will be classified in the function group in accordance with Article 5 of the Decision.

III – Horizontal provision

Article 9 - Horizontal Provision

For the application of the provisions of Article 1(5), Article 2(5), Article 3(5), Article 4(5), Article 5(4), Article 6(4), Article 7(4) and Article 8(4), the AECE may take into account the classification of the CA 3a or CA 3b when deciding whether to engage him or her.

CHANGES IN THE TEXT

- (1) The engagement by the Commission of a CA 3a or CA 3b immediately after a CA 3a or CA 3b contract with the Commission or another institution within the meaning of Article 1a of the Staff Regulations shall require a new contract.
- (2) The rules applicable to the different situations referred to in paragraph 1 are set out in Annex III.

Annex III: Rules applicable to changes in engagement following a contract with the Commission or with another institution within the meaning of Article 1a of the Staff Regulations

I – Successive contracts within the same function group

Article 1 – Successive CA 3a contracts within the same function group

~~1. Members of the CA 3a who concludes a CA 3a contract staff who were under with the Commission in the same function group immediately after a CA 3a contract to with another institution within the meaning of Article 1a of the Staff Regulations and who are engaged by the Commission under a new contract as a member of the contract staff in the same function group without interruption or with an interruption of six months or less shall, will~~ be subject to the following rules:

- ~~(1) a) a contract staff member in such a situation shall~~ He or she will not be assumed subject to have complied with the selection procedures preselection tests referred to in Article 3(1) if, prior to his or her engagement with ~~2(2)(c) of Annex I if he or she successfully passed equivalent selections tests before being engaged by the other institution, he,~~
- ~~(2) He or she had passed will be invited by the Commission department wishing to engage him or her to an interview before a selection procedure comparable to that described board in accordance with Article 2(2)(d) of Annex II to this Decision I.~~

- ~~(3) b) — The Commission shall engage such a contract staff member only if he or she if the CA 3a was confirmed in his or her post following a duties by the other institution at the end of the probationary period as laid down provided for in Article 84 of the CEOS, he or she will be exempt from the requirement to serve another probationary period.~~

~~If the CA3a did not serve the probationary period provided for in Article 84 of the CEOS. In that case in the obligation to other institution, did not complete a further it or was not confirmed in his or her duties at the end of the probationary period shall be waived. The, he or she will have to serve the whole of the probationary period at the Commission shall take the staff member's previous under the conditions set out in Article 11 of the Decision.~~

- ~~(4) For the purposes of Article 7 of the Decision, the number of contracts concluded previously with the other institution will be taken into account for the purposes of possibly concluding a by the Commission when the new contract for is being concluded, except in the case provided for in paragraph (3).~~

~~This means that a CA 3a who had an indefinite period.~~

~~c) — In exceptional circumstances, the Commission may engage such a contract staff member who has not served a probationary period, who has not completed a probationary period or who has not been confirmed in his or her post following a probationary period under the terms of Article 84 of the CEOS. In that case he or she shall be under an obligation to serve a full probationary period in accordance with Article 8. The Commission shall not take his or her previous contracts into account for the purposes of concluding a contract for an indefinite period.~~

~~d) — If the contract with the other institution was will also be engaged for an indefinite period, the contract staff member shall also be engaged by the Commission for an indefinite period.~~

- ~~(5) e) — The contract staff member shall be placed Pursuant to Article 86(2), third subparagraph, of the CEOS, the CA 3a will be classified in the most favourable grade function group, resulting from:~~

- ~~– the maintenance of his or her grade, step and seniority within the grade and step during his or her previous contract, or~~
- ~~– the grading in accordance with the provisions of Article 5.~~

~~Where~~Article 2 – Successive CA 3b contracts within the same function group

A CA 3b who concludes a member of the CA 3b contract staff formerly under with the Commission in the same function group immediately after a CA 3b contract with another institution within the meaning of Article 1a of the Staff Regulations, will be subject to the departments and offices following rules:

- (1) He or she will not be subject to the preselection tests referred to in Article 1 is 2(2)(c) of Annex I if he or she successfully passed equivalent selections tests before being engaged by the Commission as a member of the other institution.
- (2) He or she will be invited by the Commission department wishing to engage him or her to an interview before a selection board in accordance with Article 3, first subparagraph, of Annex I.
- (3) He or she will be required to serve the probationary period provided for in Article 84 of the CEOS at the Commission under the conditions in Article 11 of the Decision.
- 4.(4) For the purposes of Article 8 of the Decision, the AECE will conclude a new CA 3b contract staff in the same function group with an interruption of six months or less, the rules on the renewal of contracts shall apply by analogy.
- (5) He or she will be classified in the function group in accordance with Article 5 of the Decision.

Article 3 – CA 3a contract succeeding a CA 3b contract
within the same function group

A CA 3b who concludes a CA 3a contract with the Commission in the same function group immediately after a CA 3b contract with the Commission or another institution within the meaning of Article 1a of the Staff Regulations, will be subject to the following rules:

- (1) He or she will not be subject to the preselection tests referred to in Article 2(2)(c) of Annex I if he or she successfully passed equivalent selections tests before being engaged by the other institution.
- (2) He or she will be invited by the Commission department wishing to engage him or her to an interview before a selection board in accordance with Article 2(2)(d) of Annex I.
- (3) He or she will be required to serve the probationary period provided for in Article 84 of the CEOS at the Commission under the conditions in Article 11 of the Decision.
- (4) For the purposes of Article 7 of the Decision, the AECE will conclude a new CA 3a contract.
- (5) He or she will be classified in the function group in accordance with Article 5 of the Decision.

Article 4 – CA 3b contract succeeding a CA 3a contract
within the same function group

A CA 3a who concludes a CA 3b contract with the Commission in the same function group immediately after a CA 3a contract with the Commission or another institution within the meaning of Article 1a of the Staff Regulations, will be subject to the following rules:

- (1) He or she will not be subject to the preselection tests referred to in Article 2(2)(c) of Annex I if he or she successfully passed equivalent selections tests before being engaged by the other institution.
- (2) He or she will be invited by the Commission department wishing to engage him or her to an interview before a selection board in accordance with Article 3, first subparagraph, of Annex I.
- (3) He or she will be required to serve the probationary period provided for in Article 84 of the CEOS at the Commission under the conditions in Article 11 of the Decision.
- (4) For the purposes of Article 8 of the Decision, the AECE will conclude a new CA 3b contract.
- (5) He or she will be classified in his or her function group at the most favourable grade resulting from:
 - the maintenance of his or her grade, step and seniority within the grade and step during his or her previous contract, or
 - the grading in accordance with Article 5.

II – Successive contracts in a different function group

~~Members of the~~ Article 5 – Successive CA 3a contracts in different function groups

~~2. A CA 3a who concludes a CA 3a contract staff who were under contract to with the Commission in a different function group immediately after a CA 3a contract with the Commission or another institution within the meaning of Article 1a of the Staff Regulations and who are engaged by the Commission under a new contract as a member of the contract staff in a different function group without interruption or with an interruption of six months or less shall, will~~ be subject to the following rules:

~~(1) a) — If he or she must pass the contract selection procedure set out in Article 2 of Annex I to the Decision.~~

~~(2) He or she will be required to serve the probationary period provided for in Article 84 of the CEOS at the Commission under the conditions in Article 11 of the Decision.~~

~~(3) For the purposes of Article 7, the number of contracts previously concluded with the other institution was for will not be taken into account by the Commission when concluding the new contract, except where the CA 3a had an indefinite period, the contract staff member shall with the other institution, in which case he or she will also be engaged by the Commission for an indefinite period. However, earlier fixed-term contracts shall not be taken into account by the Commission for the purposes of concluding a contract for an indefinite period in the new function group.~~

~~b) — The contract staff member shall be required to serve a probationary period in accordance with Article 8.~~

~~c) — With regard to grading, the following rules shall apply:~~

~~(4) i. — if engaged to perform duties As regards classification in the function group:~~

~~a) If the engagement is in a higher function group, the contract staff member shall than the one to which he or she belonged in the other institution, the CA 3a will be placed in classified in his or her function group at the most favourable grade resulting from:~~

- ~~– the application of the rule laid down in Article 85(2), second subparagraph, of the CEOS that the basic salary is to be maintained, choosing, using the lowest grade possible taking into account of the steps, or~~

- ~~– the grading in accordance with the provisions of Article 5;~~

~~b) ii. — if engaged to perform duties in — If the engagement is in a lower function group, than the one to which he or she belonged in the contract staff member shall be graded other institution, the CA 3a will be classified in accordance with the provisions of Article 5.~~

~~The authority authorised to conclude contracts of employment may take account of grade when deciding whether it is appropriate to engage such a contract staff member.~~

~~Members of the contract staff who were under contract to the departments and offices referred to in Article 1 and 5 – Successive CA 3b contracts in different function groups~~

~~3. A CA 3b who are engaged by concludes a CA 3b contract with the Commission under a new contract as in a member of the contract staff in another different function group without interruption or with an interruption of six months or less shall immediately after a CA 3b contract with the Commission or another institution within the meaning of Article 1a of the Staff Regulations, will be subject to the following rules:~~

- ~~a) A member of the contract staff who had a contract for an indefinite period shall be offered an indefinite contract in the new function group.~~
- ~~b) The contract staff member must serve a probationary period as laid down in Article 84 of the CEOS and Article 8 of this Decision. If the outcome of the probationary period in the new function group is unsatisfactory, the authority authorised to conclude contracts of employment shall endeavour to identify vacant posts within the institution corresponding to the previous function group and for which the staff member has the necessary qualifications. If such vacant posts are identified, the authority authorised to conclude contracts of employment may re-employ the staff member in his or her previous function group. In that case, he or she shall be engaged at the grade, step and seniority held in the previous function group prior to appointment to the new function group.~~
- ~~c) With regard to grading, the following provisions shall apply:~~
 - ~~i. if engaged to perform duties in a higher function group, the contract staff member shall be placed in the most favourable grade resulting from:~~
 - ~~— the application of the rule laid down in Article 86(2) of the CEOS that the basic salary is to be maintained, choosing the lowest grade possible taking account of the steps, or~~

- ~~(1) grading He or she must pass the selection procedure set out in Article 3 of Annex I to the Decision.~~
- ~~(2) He or she will be required to serve the probationary period provided for in Article 84 of the CEOS at the Commission under the conditions in Article 11 of the Decision.~~
- ~~(3) For the purposes of Article 8 of the Decision, the AECE will conclude a new CA 3b contract.~~
- ~~-(4) He or she will be classified in the function group in accordance with the provisions of Article 5; of the Decision.~~

~~ii. if engaged to perform duties~~ Article 7 – CA 3b contract succeeding a CA 3a contract in a different function group

A CA 3a who concludes a CA 3b contract with the Commission in a different function group immediately after a CA 3a contract with the Commission or another institution within the meaning of Article 1a of the Staff Regulations, will be subject to the following rules:

- (1) He or she must pass the selection procedure set out in Article 3 of Annex I to the Decision.
- (2) He or she will be required to serve the probationary period provided for in Article 84 of the CEOS at the Commission under the conditions in a lower function group, Article 11 of the Decision.
- (3) For the purposes of Article 8 of the Decision, the AECE will conclude a new CA 3b contract~~staff member shall.~~
- (4) He or she will be ~~graded~~classified in the function group in accordance with the provisions of Article 5 of the Decision.

Article 8 – CA 3a contract succeeding a CA 3b contract in a different function group

A CA 3b who concludes a CA 3a contract with the Commission in a different function group immediately after a CA 3b contract with the Commission or another institution within the meaning of Article 1a of the Staff Regulations, will be subject to the following rules:

- (1) He or she must pass the selection procedure set out in Article 2 of Annex I to the Decision.
- (2) He or she will be required to serve the probationary period provided for in Article 84 of the CEOS at the Commission under the conditions in Article 11 of the Decision.
- (3) For the purposes of Article 7 of the Decision, the AECE will conclude a new CA 3a contract.
- (4) He or she will be classified in the function group in accordance with Article 5 of the Decision.

III – Horizontal provision

Article 9 - Horizontal Provision

For the application of the provisions of Article 1(5), Article 2(5), Article 3(5), Article 4(5), Article 5(4), Article 6(4), Article 7(4) and Article 8(4), the AECE may take into account the classification of the CA 3a or CA 3b when deciding whether to engage him or her.

STAFF REGULATIONS/ CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION.

CEOS: Article 84

1. A contract staff member whose contract is concluded for a duration of at least one year shall serve a probationary period for the first six months of his period of employment if he is in function group I and the first nine months if he is in any other function group.

Where, during his probationary period, a contract staff member is prevented by sickness, maternity leave under Article 58 of the Staff Regulations or accident from performing his duties for a continuous period of at least one month, the authority referred to in the first paragraph of Article 6 may extend his probationary period by the corresponding length of time. The total length of the probationary period shall in no circumstances exceed 15 months.

2. A report on the contract staff member may be made at any time before the end of the probationary period if his work is proving obviously inadequate.

That report shall be communicated to the person concerned, who shall have the right to submit his comments in writing within eight working days. The report and the comments shall be transmitted immediately by the immediate superior of the contract staff member to the authority referred to in the first paragraph of Article 6. On the basis of the report, the authority referred to in the first paragraph of Article 6 may decide to dismiss the contract staff member before the end of the probationary period, giving him one month's notice, or to assign the contract staff member to another department for the remaining time of the probationary period.

3. One month at the latest before the expiry of the probationary period, a report shall be made on the ability of the contract staff member to perform the duties pertaining to his post and also on his efficiency and conduct in the service. That report shall be communicated to the contract staff member, who shall have the right to submit his comments in writing within eight working days.

Should it recommend dismissal or, in exceptional circumstances, extension of the probationary period in accordance with paragraph 1, the report and the comments shall be transmitted immediately by the immediate superior of the contract staff member to the authority referred to in the first paragraph of Article 6.

A contract staff member whose work or conduct has not proved adequate for establishment in his post shall be dismissed.

The final decision shall be taken on the basis of the report referred to in this paragraph as well as on the basis of elements available to the authority referred to in the first paragraph of Article 6 relating to the conduct of the contract staff member with regard to Title II of the Staff Regulations.

4. A dismissed contract staff member shall be entitled to compensation equal to one-third of his basic salary per month of probation completed.

CEOS: Article 86

1. Contract staff referred to in Article 3a shall only be recruited

- (i) in grades 13, 14, or 16 for function group IV,*
- (ii) in grades 8, 9 or 10 for function group III,*
- (iii) in grades 4 or 5 for function group II,*
- (iv) in grade 1 for function group I.*

The grading of such contract staff within each function group shall take account of the qualifications and experience of the persons concerned. To address specific needs of the institutions, labour market conditions prevailing in the Union may also be taken into account. Within their grade, such contract staff shall be recruited in the first step. However, the second paragraph of Article 32 of the Staff Regulations shall apply by analogy to contract staff recruited in grade 1.

General implementing provisions shall be adopted to give effect to this paragraph in accordance with Article 110 of the Staff Regulations.

2. Where a member of the contract staff referred to in Article 3a moves to a new post within a function group, he shall not be classified in a lower grade or step than in his former post.

Where a member of such contract staff moves to a higher function group, he shall be classified at a grade

and step such that his remuneration is at least equal to that to which he was entitled under the preceding contract.

The same provisions shall apply where the member of such contract staff concludes a new contract with an institution or body immediately following a preceding contract for such contract staff with a different institution or body

Article 1a of the Staff Regulations

1. For the purposes of these Staff Regulations, official of the Union means any person who has been appointed, as provided for in these Staff Regulations, to an established post on the staff of one of the institutions of the Union by an instrument issued by the Appointing Authority of that institution.

2. This definition in paragraph 1 shall also apply to persons appointed by Union bodies to whom these Staff Regulations apply under the Union acts establishing them (hereinafter agencies). Any references to institutions in these Staff Regulations shall apply to agencies, save as otherwise provided in these Staff Regulations.



While this point of succession of contracts forming part of mobility is very important for contract agents, it remained unchanged from the old decision.

Point 3 of Article 9 of the former decision C (2011) 1264, concerning the negative outcome of the traineeship, is found in Article 11 (4) of this new decision (see details under point 13. Stage of this document).

"the authority authorised to conclude contracts of employment attempts to identify vacant functions within the institution corresponding to the previous function group, if this is the case, the authority authorised to conclude contracts of employment may re-employ the agent in the previous function group. new contract is made in the grade, step and seniority that the officer held in that function group. "

The grades at the entrance of the CA 3b were more favorable in the old decision, including for the CA 3a who returned to the Commission to be engaged as CA 3b.

As a result, the most experienced were often classified in one or more higher grades.

Given that the experience is accounted for differently, the grades at the entry of CA 3a are more favorable for some. Each agent must analyze his / her personal situation before changing institution or group of functions.

The different situations of this new decision C (2017) 6760 are summarized in the summary table below.

X = yes a, b, c, d, e, f, g, h → see details on the next page

Departure		Arrival			New contract	Selection Tests	Interview before committees	Probationary period	CDI: Taking account Of prior contracts	Classification
Institution		Institution		Functions Groups (FG)						
Commission ou Institution	CA 3b	Commission	CA 3b	same FG	x	a	x	x		f
				other FG	x	x	x	x		f
		Commission or Institution	CA 3a	same FG	x	a	b	x		f
				other FG	x	x	x	x		f
Institution	CA 3a	Commission	CA 3a	same FG	x	a	b	c	d	e
				other FG	x	x	x	x	g	h
		Commission	CA 3b	same FG	x	a	x	x		e
				other FG	x	x	x	x		f
Commission	CA 3a	Institution	CA 3a	same FG	x	a	b	c	d	e
				other FG	x	x	x	x	g	h
		Commission	CA 3b	same FG	x	a	x	x		e
				other FG	x	x	x	x		f

- a →** the CA is not subject to pre-selection tests if, prior to his appointment by the other institution, it has passed equivalent selection tests.
- b →** On the basis of the electronic application form, the Commission service wishing to engage a member of the contract staff invites candidates who have passed selection tests to an interview before a selection committee.
- c →** If he has not completed the probationary period in the other institution, has not completed it or has not been confirmed at the end of this period, the CA 3 a must complete the probationary period in its entirety.
- d →** If the CA had an indefinite contract (CDI), then the CA receives a CDI.

The number of contracts concluded previously with the other institution shall be taken into account by the Commission when the new contract is concluded, unless CA 3a has not completed the probationary period in the other institution, has not finished or has not been confirmed at the end of the probationary period, the CA 3a must complete the probationary period in its entirety.

In all cases, the Appointing Authority may take into account the classification of CA 3a or CA3 b in its decision on the advisability of engaging her/him.

e → CA 3a is classified in its function group at the most favourable grade resulting from:

- the maintenance of his grade, step and seniority acquired in that grade and step during his previous contract or
- classification in accordance with the provisions of Article 5 (*see entry grades calculated according to years of experience*).

f → classification in accordance with the provisions of Article 5 (*see entry grades calculated according to years of experience*).

g → If the CA had an indefinite contract (CDI), then the CA receives a CDI in the new function group.

The number of contracts concluded previously with the other institution is not taken into account by the Commission when concluding the new contract.

h → If the appointment is made in a function group higher than the one to which he belonged in the other institution, AC 3 bis is classified in his function group at the most favorable rank resulting from:

- the second subparagraph of *Article 86 (2) of the Conditions of Employment of other servants*, retaining the lowest rank taking into account the steps, or
- classification in accordance with the provisions of Article 5.

If the appointment is made in a group of functions lower than the one to which it belonged in the other institution, CA 3a is classified in accordance with the provisions of Article 5 (*see the entry grades calculated according to the years experience*).

In all cases, the contract will be subject to the new provisions on pension contribution, retirement age ...).

13. PROBATIONARY PERIOD

BEFORE

ARTICLE 8

C(2011) 1264

Decision C(2011) 1264 as amended by Decision C(2013) 8967 of 16/12/2013 (see modifications in the text)

1. Without prejudice to Article 9, a member of the contract staff or auxiliary contract staff engaged for a period equal to or greater than one year shall serve a probationary period of six months if he or she is in function group I (only possible in the case of contract staff) and nine months if he or she is any other function group, in accordance with the provisions of Article 84 of the CEOS. The member of the contract staff or auxiliary contract staff shall be the subject of a probation report on his or her efficiency, abilities and conduct.
2. The report referred to in the preceding paragraph shall be drawn up in accordance with the procedure in Annex V.
3. The procedure provided for in paragraph 2 shall also apply in the case of a probation report drawn up because of obvious inadequacy, as provided for under Article 84(2) of the CEOS.

ANNEX V – Procedure governing probationary period for contract staff and auxiliary contract staff

1. The procedure governing the probationary period of a member of the contract staff is as follows:
 - a. The reporting officer and the countersigning officer shall be decided upon in accordance with the provisions of Article 2 of Annex VI to this Decision.
 - b. Not less than two months before the end of the probationary period, the reporting officer shall ask the contract staff member to draw up a self-assessment. The staff member shall have eight working days in which to do so. If the staff member does not finalise his or her self-assessment within the above time limit, the reporting officer may decide to hold the dialogue referred to at (c) in the absence of a self-assessment.
 - c. The reporting officer and the staff member shall then engage in a formal dialogue. The dialogue shall cover the ability of the contract staff member to perform his or her duties and his or her efficiency and conduct in the service.
 - d. No later than ten working days after the formal dialogue, the reporting officer shall draw up the probation report and send it to the countersigning officer. The report shall indicate whether the work of the staff member has proved adequate to justify retention in his or her post, whether it is recommended that he or she should be dismissed, or whether, by way of exception, it is recommended that the probationary period be extended in accordance with Article 84(1) of the CEOS.
 - e. The countersigning officer shall have five working days in which to comment and to countersign the report, which is sent to the staff member.

- f. The staff member shall then have eight working days in which to make known any comments. Once this period has elapsed, the probation report shall be closed.
- g. **Where the probation report recommends dismissal or, by way of exception, extension of the probationary period in accordance with Article 84(1) of the CEOS, the report and the comments shall immediately be transmitted to the AECE by the staff member's direct superior.**

Except in the case of auxiliary contract staff, the authority shall obtain the opinion of the Joint Reports Committee provided for in Article 34 of the Staff Regulations before deciding on the action to be taken with regard to the probationary period.

Now	ARTICLE 11	C(2017) 6760
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- (1) **Without prejudice to Articles 9 and 10, contract staff shall serve a probationary period in accordance with *Article 84 of the CEOS*.**

Where an initial six-month contract is being renewed, the first six months worked during the initial contract shall be included in the total probationary period.

- (2) The general implementing provisions of *Article 87(1) of the CEOS*, as regards determining the reporting officer and appeal assessor, shall apply *mutatis mutandis* to the designation of the reporting officer and the countersigning officer for the probation report. These competences shall be exercised by the persons in the corresponding posts at the time the probation report is drawn up.

- (3) The procedure for the probationary period is as follows:

- (a) No less than two months before the end of the probationary period, the reporting officer shall ask the member of the contract staff to draw up a self-assessment. The staff member shall have eight working days in which to do so. If the staff member does not finalise his or her self-assessment within the above time limit, the reporting officer may decide to hold the dialogue referred to at (b) in the absence of a self-assessment.
- (b) At the latest five working days after the self-assessment, the reporting officer and the member of the contract staff shall engage in a formal dialogue. The dialogue shall cover the ability of the member of the contract staff to perform his or her duties and his or her efficiency and conduct in the service.
- (c) No later than ten working days after the formal dialogue, the reporting officer shall draw up the probation report and send it to the countersigning officer. The report shall indicate whether the work of the staff member has proved adequate to justify retention in his or her post, whether it is recommended that he or she be dismissed, or whether, by way of exception, it is recommended that the probationary period be extended in accordance with *Article 84(1) of the CEOS*.
- (d) The countersigning officer shall have five working days in which to comment and to countersign the report, which is sent to the staff member.

- (e) The member of the contract staff then has eight working days in which to make known any comments. Once this period has elapsed, the probation report shall be closed.
- (f) Where the probation report recommends dismissal or, by way of exception, extension of the probationary period in accordance with [Article 84\(1\) of the CEOS](#), the report and the comments shall immediately be transmitted to the AECE by the staff member's direct superior.

Except for CA 3b staff, the AECE shall obtain the opinion of the Joint Reports Committee provided for in [Article 34 of the Staff Regulations](#) before deciding on the action to be taken with regard to the probationary period.

- (4) If the outcome of the probationary period in a new function group immediately following a previous contract in a lower function group is unsatisfactory, the AECE shall endeavour to identify vacant posts within the institution corresponding to the previous function group. If such vacant posts are identified, the AECE may re-employ the staff member in his or her previous function group. The new contract shall be concluded in the grade, step and seniority that the staff member previously had in that function group.

CHANGES IN THE TEXT

- (1) ~~Without prejudice to [Article 9](#), a member of the and [10](#), contract staff or auxiliary contract staff engaged for a period equal to or greater than one year shall serve a probationary period in accordance with [Article 84 of the CEOS](#).~~

~~Where an initial six-month contract is being renewed, the first six months if he or she is in function group I (only possible in the case of worked during the initial contract staff) and nine months if he or she is any other function group, in accordance with the shall be included in the total probationary period.~~

- ~~1-(2) The general implementing provisions of [Article 84](#) [87\(1\)](#) of the CEOS. The member of the contract staff or auxiliary contract staff shall be, as regards determining the subject of a reporting officer and appeal assessor, shall apply *mutatis mutandis* to the designation of the reporting officer and the countersigning officer for the probation report on his or her efficiency, abilities and conduct. These competences shall be exercised by the persons in the corresponding posts at the time the probation report is drawn up.~~

- ~~1. The report referred to in the preceding paragraph shall be drawn up in accordance with the procedure in [Annex V](#).~~

- ~~2. The procedure provided [The procedure](#) for in paragraph 2 shall also apply in the case of a probation report drawn up because of obvious inadequacy, as provided for under [Article 84\(4\)](#) of the CEOS.~~

~~ANNEX V Procedure governing probationary period for contract staff and auxiliary contract staff~~

~~1.(3) The procedure governing the probationary period of a member of the contract staff is as follows:~~

~~a. The reporting officer and the countersigning officer shall be decided upon in accordance with the provisions of Article 2 of Annex VI to this Decision.~~

~~(a) b. Not~~No less than two months before the end of the probationary period, the reporting officer shall ask the member of the contract staff~~member~~ to draw up a self-assessment. The staff member shall have eight working days in which to do so. If the staff member does not finalise his or her self-assessment within the above time limit, the reporting officer may decide to hold the dialogue referred to at ~~(e)~~b in the absence of a self-assessment.

~~(b) e. The~~At the latest five working days after the self-assessment, the reporting officer and the staff member of the contract staff shall ~~then~~ engage in a formal dialogue. The dialogue shall cover the ability of the ~~contract staff~~ member of the contract staff to perform his or her duties and his or her efficiency and conduct in the service.

~~(c) d.~~No later than ten working days after the formal dialogue, the reporting officer shall draw up the probation report and send it to the countersigning officer. The report shall indicate whether the work of the staff member has proved adequate to justify retention in his or her post, whether it is recommended that he or she ~~should~~ be dismissed, or whether, by way of exception, it is recommended that the probationary period be extended in accordance with Article 84~~(31)~~(1) of the CEOS.

~~(d) e.~~The countersigning officer shall have five working days in which to comment and to countersign the report, which is sent to the staff member.

~~(e) f.~~The staff member ~~shall of the contract staff~~ then ~~have~~has eight working days in which to make known any comments. Once this period has elapsed, the probation report shall be closed.]

~~(f) g.~~Where the probation report recommends dismissal or the, by way of exception, extension of the probationary period, the countersigning officer shall hold a dialogue in accordance with the contract staff member within ten working days. The staff member and the countersigning officer may be assisted during the dialogue by another person provided that that person is an official or other servant within the meaning Article 84(1) of the CEOS.

~~Not less than five days after this dialogue the countersigning officer shall transmit an opinion, the report and the comments shall immediately be transmitted to the authority authorised to conclude contracts of employment.~~

AECE by the staff member's direct superior.

~~Except in the case of auxiliary contract for CA 3b staff, the authority~~AECE shall obtain the opinion of the Joint Reports Committee provided for in Article 34 of the Staff Regulations before deciding on the action to be taken with regard to the probationary period.

~~(4) If the outcome of the probationary period in a new function group immediately following a previous contract in a lower function group is unsatisfactory, the AECE shall endeavour to identify vacant posts within the institution corresponding to the previous function group. If such vacant posts are identified, the AECE may re-employ the staff member in his or her previous function group. The new contract shall be concluded in the grade, step and seniority that the staff member previously had in that function group.~~

Article 84 of the CEOS.

1. A contract staff member whose contract is concluded for a duration of at least one year shall serve a probationary period for the first six months of his period of employment if he is in function group I and the first nine months if he is in any other function group.

Where, during his probationary period, a contract staff member is prevented by sickness, maternity leave under Article 58 of the Staff Regulations or accident from performing his duties for a continuous period of at least one month, the authority referred to in the first paragraph of Article 6 may extend his probationary period by the corresponding length of time. The total length of the probationary period shall in no circumstances exceed 15 months.

2. A report on the contract staff member may be made at any time before the end of the probationary period if his work is proving obviously inadequate.

That report shall be communicated to the person concerned, who shall have the right to submit his comments in writing within eight working days. The report and the comments shall be transmitted immediately by the immediate superior of the contract staff member to the authority referred to in the first paragraph of Article 6. On the basis of the report, the authority referred to in the first paragraph of Article 6 may decide to dismiss the contract staff member before the end of the probationary period, giving him one month's notice, or to assign the contract staff member to another department for the remaining time of the probationary period.

3. One month at the latest before the expiry of the probationary period, a report shall be made on the ability of the contract staff member to perform the duties pertaining to his post and also on his efficiency and conduct in the service. That report shall be communicated to the contract staff member, who shall have the right to submit his comments in writing within eight working days.

Should it recommend dismissal or, in exceptional circumstances, extension of the probationary period in accordance with paragraph 1, the report and the comments shall be transmitted immediately by the immediate superior of the contract staff member to the authority referred to in the first paragraph of Article 6.

A contract staff member whose work or conduct has not proved adequate for establishment in his post shall be dismissed.

The final decision shall be taken on the basis of the report referred to in this paragraph as well as on the basis of elements available to the authority referred to in the first paragraph of Article 6 relating to the conduct of the contract staff member with regard to Title II of the Staff Regulations.

4. A dismissed contract staff member shall be entitled to compensation equal to one-third of his basic salary per month of probation completed.

Article 87(1) of the CEOS.

1. The first paragraph of Article 43 of the Staff Regulations, concerning reports, shall apply by analogy to contract staff referred to in Article 3a engaged for a period of not less than one year.

Staff Regulations: article 34

1. Officials shall serve a nine-month probationary period before they can be established. The decision to establish an official shall be taken on the basis of the report referred to in paragraph 3 as well as on the basis of elements available to the appointing authority relating to the probationer's conduct with regard to Title II.

Where, during his probationary period, an official is prevented, by sickness, maternity leave under Article 58, or accident, from performing his duties for a continuous period of at least one month, the appointing

authority may extend his probationary period by the corresponding length of time. The total length of the probationary period shall in no circumstances exceed 15 months.

2. A report on the probationer may be made at any time before the end of the probationary period if his work is proving obviously inadequate.

That report shall be communicated to the person concerned, who shall have the right to submit his comments in writing within eight working days. The report and the comments shall be transmitted immediately by the probationer's immediate superior to the appointing authority, which shall, within three weeks, obtain the opinion of the Joint Reports Committee on the action to be taken. The appointing authority may decide to dismiss the probationer before the end of the probationary period, giving him one month's notice, or to assign the official to another department for the remaining time of the probationary period.

3. One month at the latest before the expiry of the probationary period, a report shall be made on the ability of the probationer to perform the duties pertaining to his post and also on his efficiency and conduct in the service. That report shall be communicated to the probationer, who shall have the right to submit his comments in writing within eight working days.

Should it recommend dismissal or, in exceptional circumstances, extension of the probationary period in accordance with paragraph 1, the report and the comments shall be transmitted immediately by the probationer's immediate superior to the appointing authority, which shall, within three weeks, consult the Joint Reports Committee on the action to be taken.

A probationer whose work or conduct has not proved adequate for establishment in his post shall be dismissed.

4. Except where he is in a position forthwith to resume employment elsewhere, a dismissed probationer shall receive compensation equal to three months' basic salary if he has completed more than one year's service, two months' basic salary if he has completed at least six months' service and one month's basic salary if he has completed less than six months' service.

5. Paragraphs 2, 3 and 4 shall not apply to officials who resign before the end of their probationary period.

Staff Regulations: article 43, first paragraph

The ability, efficiency and conduct in the service of each official shall be the subject of an annual report as provided for by the appointing authority of each institution in accordance with Article 110. That report shall state whether or not the performance level of the official has been satisfactory. The appointing authority of each institution shall lay down provisions conferring the right to lodge an appeal within the reporting procedure, which has to be exercised before the lodging of a complaint as referred to in Article 90(2).



Without prejudice to the provisions of Articles 9 (Change of assignment) and 10 (Succession of contracts), the member of the contract staff shall serve a probationary period in accordance with the provisions of Article 84 of the Conditions of Employment (CEOS).

Actions	C(2011) 1264 Amended by C(2013) 8967		C(2017) 6760	
	Actors	Working days	Actors	Working days
Draw up a selfassessment (two months before the end of the probationary period)	Contract agent	8	Contract agent	8
Formal dialogue	Reporting officer + Agent		Reporting officer + Contract agent	5
Draw up of the probation report	the reporting officer send it to the countersigning officer	10	the reporting officer send it to the countersigning officer	10
Validation of the probation report	Validator	5	Validator	5
Comments of agent	Agent	8	Contract agent	8
If dismissal or: extension of the probationary period :			If dismissal or " by way of exception, extension of the probationary period	
Transmission to the AECE	Direct superior of the agent + AECE			
For CA auxiliary, CA3b	AECE asks and receive opinion of the Report Comittee			
In case of unsatisfactory report in a new function group immediately following a previous contract in a lower function group	/	/	The AECE shall endeavour to identify vacant posts within the institution corresponding to the previous function group. If such vacant posts are identified, the AECE may reemploy the staff member in his or her previous function group. The new contract shall be concluded in the grade, step and seniority that the staff member previously had in that function group.	

- In case of renewal of an initial six-month contract, the first six months of the initial contract are included in the total period of the probationary period.

In this case, it will be further changes to be introduced in Sysper to meet this new criterion of continuity of the internship. Including for the eligibility of persons during the evaluation exercise.

14. NOTICE OF END OF CONTRACT

BEFORE	ARTICLE 10	C(2011) 1264
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1. The period of notice shall be determined as laid down in Article 47 of the CEOS.
2. A member of the contract staff or auxiliary contract staff wishing to resign must write to the authority authorised to conclude contracts of employment no later than the day before the date on which the period of notice starts to run, stating unequivocally his or her intention to leave the service. The staff member shall first notify his or her hierarchical superior and the human resources unit of his or her department.
3. If the staff member, the department to which he or she is assigned and the authority authorised to conclude contracts of employment are in agreement, the period of notice may be shorter than that stipulated in paragraph 1 of this article and referred to in the staff member's contract, but not less than one month.
4. The provisions of this article shall also apply during the probationary period provided for in Article 84 of the CEOS.

Now	ARTICLE 16	C(2017) 6760
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- (1) The period of notice shall be set in accordance with *Article 47 of the CEOS*.
Fixed-term contracts that are not renewed shall end on their termination date without notice being served.
- (2) Contract staff wishing to resign must formalise their request by writing to the AECE at the latest on the day before the first day of the notice period, clearly stating that they wish to leave the service. Contract staff shall inform their line manager and their department's human resources unit beforehand.
- (3) If the member of the contract staff, the department to which he or she is assigned and the AECE are in agreement, the period of notice may be shorter than that provided for in paragraph 1.
- (4) Paragraphs 1 to 3 shall apply by analogy to the probationary period provided for in *Article 84 of the CEOS* in accordance with the procedure set out in Article 11.

~~1.(1)~~ The period of notice shall be ~~determined as laid down~~set in accordance with Article 47 of the CEOS.

~~A member of the contract staff or auxiliary contract~~Fixed-term contracts that are not renewed shall end on their termination date without notice being served.

~~1.(2)~~ ~~Contract staff wishing to resign must write~~formalise their request by writing to the authority authorised to conclude contracts of employment no later than AECE at the latest on the day before the date on which~~first day of the notice period of notice starts to run, clearly stating unequivocally his or her intention that they wish to leave the service. The Contract staff member shall first notify his or her hierarchical superior~~inform their line manager and the their department's human resources unit of his or her department beforehand.

~~1.(3)~~ If the ~~staff member of the contract staff~~, the department to which he or she is assigned and the ~~authority authorised to conclude contracts of employment~~AECE are in agreement, the period of notice may be shorter than that ~~stipulated~~provided for in paragraph 1 of this article and referred to in the staff member's contract, but not less than one month.

~~1.(4)~~ ~~The provisions of this article~~Paragraphs 1 to 3 shall also apply during~~by analogy to the probationary period provided for in Article 84 of the CEOS~~in accordance with the procedure set out in Article 11.

STAFF REGULATIONS/ CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION.

Article 47 of the CEOS

Apart from cessation on death, the employment of temporary staff shall cease:

- *(a) at the end of the month in which the servant reaches the age of 66 or, where applicable, at the date fixed in accordance with the second and third paragraphs of Article 52 of the Staff Regulations; or*
- *(b) where the contract is for a fixed period:*
 - *(i) on the date stated in the contract;*
 - *(ii) at the end of the period of notice specified in the contract giving the servant or the institution the option to terminate earlier. The period of notice shall not be less than one month per year of service, subject to a minimum of one month and a maximum of three months. For temporary staff whose contracts have been renewed the maximum shall be six months. The period of notice shall not, however, commence to run during pregnancy if confirmed by a medical certificate, maternity leave or sick leave, provided such sick leave does not exceed three months. It shall, moreover, be suspended during pregnancy if confirmed by a medical certificate, maternity or sick leave subject to the limits aforesaid. If the institution terminates the contract, the servant shall be entitled to compensation equal to one-third of his basic salary for the period between the date when his duties end and the date when his contract expires;*
 - *(iii) where the servant no longer satisfies the conditions laid down in point (a) of Article 12(2), subject to the possibility of authorising an exception under that provision. Should the exception not be authorised, the period of notice referred to in point (ii) shall apply; or*
- *(c) where the contract is for an indefinite period:*
 - *(i) at the end of the period of notice stipulated in the contract; the length of the period of notice shall not be less than one month for each completed year of service, subject to a minimum of three months and a maximum of 10 months. The period of notice shall not, however, commence to run during pregnancy if confirmed by a medical certificate, maternity*

leave or sick leave, provided such sick leave does not exceed three months. It shall, moreover, be suspended during pregnancy if confirmed by a medical certificate, maternity or sick leave subject to the limits aforesaid; or

- *(ii) where the servant no longer satisfies the conditions laid down in point (a) of Article 12(2), subject to the possibility of authorising an exception under that provision. Should the exception not be authorised, the period of notice referred to in point (i) shall apply.*

Article 84 of the CEOS.

1. A contract staff member whose contract is concluded for a duration of at least one year shall serve a probationary period for the first six months of his period of employment if he is in function group I and the first nine months if he is in any other function group.

Where, during his probationary period, a contract staff member is prevented by sickness, maternity leave under Article 58 of the Staff Regulations or accident from performing his duties for a continuous period of at least one month, the authority referred to in the first paragraph of Article 6 may extend his probationary period by the corresponding length of time. The total length of the probationary period shall in no circumstances exceed 15 months.

2. A report on the contract staff member may be made at any time before the end of the probationary period if his work is proving obviously inadequate.

That report shall be communicated to the person concerned, who shall have the right to submit his comments in writing within eight working days. The report and the comments shall be transmitted immediately by the immediate superior of the contract staff member to the authority referred to in the first paragraph of Article 6. On the basis of the report, the authority referred to in the first paragraph of Article 6 may decide to dismiss the contract staff member before the end of the probationary period, giving him one month's notice, or to assign the contract staff member to another department for the remaining time of the probationary period.

3. One month at the latest before the expiry of the probationary period, a report shall be made on the ability of the contract staff member to perform the duties pertaining to his post and also on his efficiency and conduct in the service. That report shall be communicated to the contract staff member, who shall have the right to submit his comments in writing within eight working days.

Should it recommend dismissal or, in exceptional circumstances, extension of the probationary period in accordance with paragraph 1, the report and the comments shall be transmitted immediately by the immediate superior of the contract staff member to the authority referred to in the first paragraph of Article 6.

A contract staff member whose work or conduct has not proved adequate for establishment in his post shall be dismissed.

The final decision shall be taken on the basis of the report referred to in this paragraph as well as on the basis of elements available to the authority referred to in the first paragraph of Article 6 relating to the conduct of the contract staff member with regard to Title II of the Staff Regulations.

4. A dismissed contract staff member shall be entitled to compensation equal to one-third of his basic salary per month of probation completed.

Point (a) of Article 12(2), of the CEOS

2. A member of the temporary staff may be engaged only on condition that:

- (a) he is a national of one of the Member States of the Union, unless an exception is authorised by the authority referred to in the first paragraph of Article 6, and enjoys his full rights as a citizen;*

Article 58 of the Staff regulations

Pregnant women shall, in addition to the leave provided for in Article 57, be entitled on production of a medical certificate to 20 weeks of leave. The leave shall start not earlier than six weeks before the expected

date of confinement shown in the certificate and end not earlier than 14 weeks after the date of confinement. In the case of multiple or premature birth or the birth of a child with a disability or serious illness, the duration shall be 24 weeks. Premature birth for the purposes of this provision is a birth taking place before the end of the 34th week of pregnancy.

Article 52 of the Staff regulations

Without prejudice to the provisions of Article 50, an official shall be retired:

- *(a) either automatically on the last day of the month in which he reaches the age of 66, or*
- *(b) at his own request on the last day of the month in respect of which the request was submitted where he has reached pensionable age or where he is between 58 and pensionable age and satisfies the requirements for immediate payment of a pension in accordance with Article 9 of Annex VIII. The second sentence of the second paragraph of Article 48 shall apply by analogy.*

However, an official may at his own request, and where the appointing authority considers it justified in the interests of the service, carry on working until the age of 67, or exceptionally, until the age of 70, in which case he shall be retired automatically on the last day of the month in which he reaches that age.

Where the appointing authority decides to authorise an official to remain in service beyond the age of 66, that authorisation shall be granted for a maximum duration of one year. It may be renewed at the official's request.



As stated in Article 47 of the CEOS, a fixed-term contract expires on its term.

It should be noted the withdrawal in point 3 because the period of notice cannot be shorter than the duration stated in Article 47 of the Conditions of Employment and in any case "could not be less than one month".

At present, this decision makes it possible to define a shorter duration in the event of agreement "between the contract agent, the posting service and the AECE" despite the duration defined in the CEOS. When we know that the contractual relationship that binds an agent to his employer is not a peer-to-peer relationship, we can wonder about the "agreement" informed by all parties and about the potential "pressures" that might be experienced an agent.

15. ANNUAL APPRAISAL

BEFORE

ARTICLE 11

C(2011) 1264

ANNEX VI - Procedures for the appraisal of contract staff

Article 1

Scope

The provisions of this Annex shall apply to the contract staff referred to in Article 3a of the Conditions of Employment of Other Servants ('contract staff'), referred to below as 'jobholders'.

Article 2

Roles and ranks of the various persons involved

1. The reporting officer shall be the jobholder's direct superior and, as a general rule, the jobholder's Head of Unit on the last day of the reporting period.

The Director, Chief Adviser, Adviser hors classe, Deputy Director-General or Director-General¹² shall assume the role of the reporting officer for jobholders of whom they are the direct superior.

2. The countersigning officer shall be a direct superior of the Head of Unit at the moment of his or her first intervention in the appraisal procedure as laid down in Article 6 of this Annex.

If the role of reporting officer is performed by the Director, Chief Adviser, Adviser hors classe, or Deputy Director-General, the Director-General shall act as countersigning officer. The Director-General may delegate this role to the Deputy Director-General in the case of reports for which a Director takes on the role of reporting officer. If the Director-General is the reporting officer, he or she shall also be the countersigning officer.

3. The appeal assessor shall be the Director-General carrying out this duty at the moment of his or her first intervention in the appraisal procedure. He may delegate the role of appeal assessor to a member of senior management.
4. In the event of a change in the organisation chart of a service or Directorate-General, the Director-General may derogate from paragraphs 2 and 3 above to take account of the specific context arising from that change.
5. With the agreement of the countersigning officer, the Head of Unit may delegate the role of reporting officer to officials or temporary staff members who manage and supervise the jobholders concerned and whom he or she considers to be able to take on this role in the light of the posts they occupy within the unit and their abilities. In that case, the countersigning officer shall be the Head of Unit or the Director. Heads of Unit may, without relinquishing their role as reporting officer, delegate the work preparatory to the appraisal of jobholders in their Unit to the officials or temporary staff referred to above.

¹² For the purposes of this Decision, 'Director-General' also covers the position of Director of an office.

6. Where a report must be drawn up that relates to a reporting period before the one covered by the current exercise, in particular following a Court decision,
- and the reporting officer, as defined in paragraph 1, has in the meantime left the Commission, the Head of Unit responsible for human resources in the Directorate-General concerned shall act as reporting officer;
 - and the countersigning officer, as defined in paragraph 2, has in the meantime left the Commission, the Director responsible for human resources in the Directorate-General concerned shall act as countersigning officer;
 - and the appeal assessor, as defined in paragraph 3, has in the meantime left the Commission, the Director-General of the Directorate-General for Human Resources shall act as appeal assessor.

ENSUITE

C(2013) 2528

Article 1 - Scope

These general provisions shall apply to members of the contract staff employed under Article 3a of the CEOS (hereinafter referred to as 'staff members').

Article 2 – Annual appraisal exercise

1. Every year, a report covering the period from 1 January to 31 December of the previous year (hereinafter referred to as 'the reporting period') must be drawn up for each member of the contract staff engaged for a period of one year or more who has been in active employment for a continuous period of at least one month during the reporting period.
2. Each report shall include an individual qualitative appraisal of the staff member's efficiency, ability and conduct in the service. It shall cover all the staff member's professional activities.

Article 3 - Respective roles and rank

1. The reporting officer shall be the staff member's direct superior and, as a general rule, the staff member's head of unit on 1 December of the reporting period.

The director¹³, principal adviser, adviser hors classe, deputy director-general or director-general¹⁴ shall assume the role of reporting officer for staff members of whom they are the direct superior.
2. The appeal assessor shall be the direct superior of the reporting officer at the time of the superior's first intervention in the appraisal procedure as laid down in Article 5.

If the director, principal adviser, adviser hors classe, or deputy director-general acts as reporting officer, the director-general shall act as appeal assessor. The director-general may delegate this role to the deputy director-general for reports where a director acts as reporting officer. If the director-general is the reporting officer, the appeal assessor shall be the director-general of the directorate-general responsible for personnel. If the

¹³ For the purposes of this Decision, 'director' shall also cover the position of head of department.

¹⁴ For the purposes of this Decision, 'director-general' shall also cover the position of director of an office.

director-general responsible for personnel is the reporting officer, the appeal assessor shall be the Secretary-General.

A staff member who has provided information under Article 22a(1) and (2) of the Staff Regulations may, at the time of his or her reasoned refusal to accept the report, provided for in Article 6(1), request that the director-general of the directorate-general responsible for personnel or the Secretary-General act as appeal assessor.

3. In exceptional cases, justified by the desire to act in the interests of the staff member or in the event of a change in the organisation chart of a service or directorate-general, the director-general may derogate from paragraphs 1 and 2 above to take account of the specific context arising from the circumstances or the change respectively.
4. Subject to the agreement of his or her director-general and after notifying the staff members concerned, the head of unit may delegate the role of reporting officer to officials or temporary staff members who manage and supervise the contract staff members and whom he or she considers capable of taking on this role. In that case, the head of unit shall approve the appraisal report and the head of unit's direct superior shall act as appeal assessor. The head of unit may at any time withdraw the delegation of the role of reporting officer and perform that role himself/herself.

Heads of unit may, without relinquishing their role as reporting officer, delegate the preparatory work for the appraisal of staff members in their unit to an official or member of the temporary staff assigned to the unit whom they consider, in the light of the duties he or she performs within the unit and his/her abilities, to be capable of assuming that role.

5. Where a report needs to be drawn up and the reporting officer and/or appeal assessor, as defined in paragraphs 1 and 2 above, have in the meantime left the Commission definitively, the director-general shall designate the most appropriate reporting officer and/or appeal assessor, taking into account the interests of the staff members concerned, and shall notify the staff members accordingly.
6. In the event of a derogation from the provisions of paragraphs 1 and 2, staff members shall be told the name of the persons who are to act as reporting officer and appeal assessor.

Article 4 - Basis of the appraisal

The individual qualitative appraisal shall be based on the ability, efficiency and conduct in the service of the staff member, taking account of the context within which they have performed their duties. The individual qualitative appraisal shall not include a comparison with the performance of other staff members.

Article 5 - Appraisal procedure

1. The appraisal exercise shall be launched by the directorate-general responsible for personnel by publication of an administrative notice. It shall be administered by means of a secure electronic system.
2. For each staff member, the appraisal report is launched electronically. Once the report has been launched, a request to produce a self-assessment is automatically sent to the staff member. Within eight working days of receiving this request, the staff member

must submit a self-assessment, which will be entered in the appropriate heading of the report. The purpose of this self-assessment is to prepare for the dialogue provided for in paragraph 3.

If the staff member does not submit a self-assessment within that time, without having been prevented from doing so by a justified absence, the reporting officer may immediately proceed to the formal dialogue provided for in paragraph 3.

3. The reporting officer shall then hold a formal dialogue with the staff member. With the agreement of the staff member, the reporting officer may ask one or more other officials or members of the contract or temporary staff who have supervised the staff member's work to take part in the dialogue. If the reporting officer agrees, the staff member may arrange for an official or another staff member within the meaning of the CEOS to assist him or her during the dialogue.

This dialogue shall constitute one of the reporting officer's basic management duties. In the course of this dialogue, the reporting officer shall, jointly with the staff member:

- (a) assess the staff member's performance during the reporting period. The reporting officer shall, jointly with the staff member, consider the latter's efficiency, the ability he or she has demonstrated and his or her conduct in the service during the reporting period;
- (b) identify the staff member's training needs.

4. If the staff member does not act on the invitation to take part in the formal dialogue, without having been prevented from doing so by a justified absence, the reporting officer may immediately draw up an individual qualitative appraisal as provided for in paragraph 5.
5. Within ten working days of the formal dialogue, the reporting officer shall draw up an individual qualitative appraisal of the staff member's efficiency, ability and conduct in the service. For this purpose, the staff member's justified absences may not be used to his or her disadvantage.
6. The report is then sent to the staff member, who may submit comments.
7. Within five working days of the date on which the staff member is invited to consult his or her report, he or she may accept the report with or without comments or refuse to accept the report, stating the reasons for refusal.

If the staff member does not refuse to accept the report within the time limit referred to in the previous paragraph, without having been prevented from doing so by a justified absence, the report shall be considered to have been accepted and shall become final.

Article 6 – Appeal procedure

1. A reasoned refusal by the staff member to accept the report in accordance with Article 5(7) shall automatically lead to the matter being referred to the appeal assessor. The staff member may withdraw his or her reasoned refusal to accept the report at any time.
2. At the request of the staff member, expressed in his or her reasoned refusal to accept the report, the appeal assessor shall hold a dialogue with the staff member within ten working days of the reasoned refusal. The staff member may be assisted during the dialogue by an official or other servant within the meaning of the CEOS, with the

exception of the reporting officer. The appeal assessor may ask an official or other servant within the meaning of the CEOS, other than the reporting officer, to be present at the dialogue.

3. Within 20 working days of the reasoned refusal to accept the report and following the dialogue provided for in paragraph 2, the appeal assessor shall confirm the report or amend it, giving reasons.

The decision of the appeal assessor may not be based on facts which the staff member has not yet had an opportunity to comment upon in the course of the appraisal or the appeal procedure, unless he or she is given an opportunity to do so by the appeal assessor in good time.

4. The report shall become final by decision of the appeal assessor. The staff member shall be notified, by e-mail or other means, that the decision rendering the report final has been adopted, pursuant to this Article or Article 5, and that it may be consulted in the electronic system. If the decision rendering the report final was adopted under this Article, the staff member shall at this point also have access to the appeal assessor's decision. Such notification shall constitute communication within the meaning of Article 25 of the Staff Regulations. The period of three months in which to lodge a complaint, provided for in Article 90(2) of the Staff Regulations, shall start to run on communication of the information.

Article 7 - Time limits

1. The time limits referred to in Articles 5 and 6 as they concern the staff member shall be calculated only from the time when the relevant decision has been notified to the person concerned or, at the latest, when the latter, acting as a diligent member of staff, may be expected to be aware of the content of this decision and the reasons for it.
2. These time limits will be suspended, however, if and for as long as the staff member is unable to use the electronic system, for example because of a justified absence.

Article 8 - Final provisions

1. Article 11 and Annex VI to the general provisions for implementing Article 79(2) of the CEOS, adopted by the Commission on 2 March 2011¹⁵, are hereby repealed. However, Article 2 of Annex VI shall continue to apply for the purposes of deciding upon the reporting officer and countersigning officer for the probationary period provided for in Article 1 of Annex V to the general provisions for implementing Article 79(2) of the CEOS.
2. The present general provisions shall enter into force on the day of their adoption and apply to reports established as of the 2013 appraisal exercise.
3. Alongside the general rules laid down above, specific rules governing certain aspects of the appraisal are defined in Annex I. These provisions shall apply by way of derogation from Articles 1 to 7.

¹⁵ C(2011) 1264 final.

ANNEX I – SPECIAL CASES

Article 1 – Specific situations

1. If, at the time when the appraisal exercise is launched, the staff member has left the service in application of Article 119 or Articles 47-50 of the CEOS, it is only necessary to draw up a report if the staff member submits an express request to that effect, in writing, to the appropriate reporting officer or to the human resources unit of his or her last department, in the three weeks following the end of his or her employment at the latest. By derogation from Article 5(1) of these general implementing provisions, such a report may be drawn up on paper.

If, at the time when the appraisal exercise is launched, a decision has been taken leading to the termination of the employment of the staff member in application of Article 119 or Articles 47-50 of the CEOS and taking effect during the year covered by the exercise, the provisions of the preceding paragraph shall apply *mutatis mutandis* on the understanding that the staff member must make his or her request within three weeks following the launch of the exercise. If such a decision is withdrawn or cancelled, the appraisal procedure shall automatically resume for the staff member concerned, even if he or she has not requested that a report be drawn up.

2. Staff members who, at their own request, have been granted unpaid leave on personal grounds in accordance with Articles 17 and 91 of the CEOS shall receive a report covering the reporting period until the date on which the leave takes effect. Following their reinstatement a report shall be drawn up on such staff members covering the period from reinstatement until the end of the reporting period. If the period covered by these reports is too short for the staff member to be fully appraised during the reporting period concerned, the reporting officer will draft the report but make a note of this specific circumstance.
3. Where a staff member was unable to carry out his or her duties for an extended period by reason of illness, accident, parental leave or family leave, maternity leave or leave for military service, and as a result the period covered by the report was too short for the staff member to be fully appraised during the reporting period concerned, the reporting officer will draft the report but make a note of this specific circumstance.

Article 2 - Mobility

If, during the reporting period but not less than four months after the period covered by the previous report or by the previous contribution included in the report,

- (1) the staff member is moved to another post within the Commission, his or her direct superior will draft a contribution on the staff member's performance, which will be incorporated in the report;
- (2) an official or member of the temporary staff leaves a post by virtue of which he or she would have been called upon to carry out the duties of reporting officer with respect to a staff member, he or she shall draw up a contribution on the staff member's performance, which will be incorporated in the report.

Article 3 – Staff representatives

1. Where a staff member, at the end of the reporting period, is exempted, for all of his or her working time, from performing his or her duties in a Commission department:
 - (1) in order to take up a position as a member of the Central Staff Committee or to act as Chair of a local section of the Staff Committee, the staff member's reporting officer shall be the official or member of the temporary staff appointed as Chair of the Central Staff Committee;
 - (2) in order to take up a position as a member of a local section of the Staff Committee, the staff member's reporting officer shall be the official or member of the temporary staff appointed as Chair of the local section;
 - (3) in order to take up the position of Chair of the Central Staff Committee, the staff member's reporting officer shall be an official or member of the temporary staff appointed at a plenary meeting of the Central Staff Committee by secret ballot and acting on the authority of the Central Staff Committee;
 - (4) in order to take up a position with a representative trade union or professional organisation (hereinafter referred to as 'representative trade union organisation'), the staff member's reporting officer shall be the governing body of that organisation.

In cases (1) to (3), when drafting the report, the reporting officer shall take account, where appropriate, of the opinion of the representative trade union organisation to which the staff member concerned belongs.
2. A staff member who is exempted only:
 - (c) for half his or her working time shall receive a report pursuant to this paragraph and a report covering the duties performed in the Commission department to which he or she is assigned pursuant to Article 5 of these general implementing provisions. If the staff member has been elected or designated within the meaning of paragraph 5, the ad hoc Group must be consulted on each of the two reports;
 - (d) for 25% of his or her working time, the ad hoc Group for the appraisal and promotion of staff representatives (hereinafter 'the ad hoc Group'¹⁶) shall draw up a contribution to the appraisal report.
3. In all the cases referred to in paragraph 1, the appeal assessor shall be the Chair of the ad hoc Group who shall act on the authority of the group. In cases where the Chair of the ad hoc Group is himself/herself a staff member who has been exempted, for all of his or her working time, from performing his or her duties in a Commission department in order to take up duties as referred to in paragraph 1, the appeal assessor shall be an official or member of the temporary staff designated at a plenary session of the ad hoc Group by secret ballot and acting on the authority of the ad hoc Group.

¹⁶ The ad hoc group is composed of 16 members, five designated by the Central Staff Committee and 11 designated by the representative trade union organisations. The ad hoc group shall draw up its rules of procedure and a code of conduct for the application of the general provisions for implementing Article 87(1) and (3) of the CEOS.

4. Article 3 of Annex I to the general provisions for implementing Article 87(3) of the CEOS¹⁷ shall apply *mutatis mutandis* to the bodies, reporting officers and appeal assessors referred to in this Article. Any conflict of interest arising in applying these provisions shall be reported without delay by the staff member or any other person concerned to the Chair of the ad hoc Group, who shall remedy the situation immediately.
5. The reports relating to staff members who have been elected or designated shall be drawn up by the reporting officer in the department to which the staff members were assigned in accordance with the procedure laid down in Article 5 of these general implementing provisions. After having received the staff member's self-assessment, the reporting officer concerned shall consult the ad hoc Group. The ad hoc Group's opinion shall constitute a contribution to the appraisal report.

For the purposes of this paragraph:

- an elected staff member is a staff member who, without having been exempted from performing his or her duties in a Commission department in order to carry out one of the activities referred to in paragraph 1, has been elected to represent the staff on the Staff Committee, these tasks being considered to form part of the normal service he or she is required to provide to the Commission;
 - a designated staff member is a staff member who, without having been exempted from performing his or her duties in a Commission department in order to carry out one of the activities referred to in paragraph 1, has been designated by the Staff Committee as a member representing the staff on a body set up by the Staff Regulations or by the institution, or has been designated by a representative trade union or professional organisation to take part in consultations organised by the administration, these tasks being considered to form part of the normal service he or she is required to provide to the Commission.
6. A staff member who has been elected or designated or exempted from performing his or her duties in a Commission department for half his or her working time or less in order to carry out one of the activities referred to in paragraph 1, must mention this fact in his or her self-assessment.

Article 4 – Staff members assigned to a delegation

1. Where the operational superior of a staff member assigned to a delegation is a member of the European External Action Service, the superior shall be consulted by the reporting officer before the appraisal is drawn up.
2. By derogation from Article 2(2) of this annex, if, during the reporting period but not less than four months after the period covered by the previous report or by the previous contribution included in the report, an official or member of the temporary staff assigned to headquarters leaves a post by virtue of which he or she would have been required to act as reporting officer for a staff member assigned to a delegation, he or she shall not draft a contribution on the performance of the staff member within the meaning of Article 2 of this annex.

¹⁷ Any reference to the general provisions for implementing Article 87(3) of the CEOS shall be understood as a reference to the Commission decision C(2013) 2529 final of 3.5.2013 on general provisions for implementing Article 87(3) of the Conditions of Employment of Other Servants of the European Union.

- (1) In application of *Article 87(1) of the CEOS*, the ability, efficiency and conduct in the service of each CA 3a engaged for a period of a year or more shall be subject to an annual appraisal report covering all the professional activities of the CA 3a for the period from 1 January to 31 December of the previous year.
- The procedure for this annual appraisal exercise is set out in the Commission Decision on general provisions for implementing *Article 87(1) of the CEOS*.
- (2) In accordance with *Article 87(3) of the CEOS*, the Commission shall organise every year a reclassification exercise for CA 3a in accordance with the procedure set out in the Commission Decision on general provisions for implementing *Article 87(3) of the CEOS*.
- (3) Starting from the third year of engagement as a CA 3b, including after contract renewal, paragraph 1 shall apply *mutatis mutandis* to CA 3b staff for the reference period from 1 January to 31 December of the previous year.

CHANGES IN THE TEXT

- (3) **Starting from the third year of engagement as a CA 3b, including after contract renewal, paragraph 1 shall apply mutatis mutandis to CA 3b staff for the reference period from 1 January to 31 December of the previous year.**

STAFF REGULATIONS/ CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION.

CEOS: Article 87(1)

1. The first paragraph of Article 43 of the Staff Regulations, concerning reports, shall apply by analogy to contract staff referred to in Article 3a engaged for a period of not less than one year.

CEOS: Article 87(3)

3. In the case of contract staff referred to in Article 3a, classification in the next higher grade in the same function group shall be by decision of the authority referred to in the first paragraph of Article 6. It shall be effected by classifying such contract staff in the first step of the next higher grade. Such advancement shall be exclusively by selection from among contract staff referred to in Article 3a with a contract of at least three years who have completed a minimum period of two years in their grade, after consideration of the comparative merits of such contract staff eligible for advancement to a higher grade and of the reports on them. The last sentence of Article 45(1) of the Staff Regulations shall apply by analogy.

Staff Regulations: Article 43, first paragraph

The ability, efficiency and conduct in the service of each official shall be the subject of an annual report as provided for by the appointing authority of each institution in accordance with Article 110. That report shall state whether or not the performance level of the official has been satisfactory. The appointing authority of each institution shall lay down provisions conferring the right to lodge an appeal within the reporting procedure, which has to be exercised before the lodging of a complaint as referred to in Article 90(2).

Staff Regulations: Article 45(1), last sentence

When considering comparative merits, the appointing authority shall in particular take account of the reports on the officials, the use of languages in the execution of their duties other than the language for

which they have produced evidence of thorough knowledge in accordance with point (f) of Article 28 and the level of responsibilities exercised by them.



Decision C(2013) 2528 concerning the evaluation procedures for contract staff was not repealed in the latter decision.

It applied to CA 3a. At present, it also applies to CA 3b from the beginning of the third year of engagement as CA 3b and for the reference period from 1 January to 31 December of the previous year.

The evaluation of CA 3b will have no impact on the budget envelope. On the other hand, it could have possible consequences on the career of the CA 3b concerned.

Indeed, in the event of bad experience in their work, the 3b contract agents will be likely to receive an unfavorable report which could prejudice them either in the event of mobility within the Commission, or when looking for a job with other institutions.

For HR departments and units, the CA 3b evaluation exercise will entail additional work in the management of their reports, especially in the case of mobility of these agents.

While the assessment is open to all CA 3b, it is only possible for CA 3b which are in the first grade of their function group at the time of their appointment, to be subject to a review at the renewal of their contract. since the total duration of the commitment has reached three years.

See our comments under point 8. Classification in function group / grade.

16. RECLASSIFICATION IN THE NEXT GRADE

BEFORE

ARTICLE 12

C(2011) 1264

- ~~1. Each jobholder shall have a reclassification file administered by means of a secure electronic system.~~
- ~~2. The reclassification file shall form an integral part of the jobholder's individual file. Jobholders shall have individual access to their reclassification files by means of a personal secret password. The reclassification file shall include, inter alia, information on the number of reclassification points awarded in the course of the current reclassification exercise and the total number of reclassification points accumulated.~~
- ~~3. A reclassification round shall be held each year in accordance with the procedures described in Annex VII. It shall entail awarding reclassification points and drawing up a list of the jobholders reclassified.~~

~~**ANNEX VII – System for the reclassification of contract staff**~~

~~**ANNEX VIII – JOINT APPRAISAL AND RECLASSIFICATION COMMITTEE**~~

~~**ANNEX IX: CONVERSION OF OVERALL ASSESSMENTS OBTAINED BEFORE THE 2010 RECLASSIFICATION EXERCISE**~~

NEXT

C(2013) 2529

Article 1 - Scope

These general implementing provisions shall apply to members of the contract staff employed under Article 3a of the CEOS (hereinafter referred to as 'staff members').

Article 2 – Annual reclassification exercise

A reclassification exercise shall be held each year. It shall be launched by the directorate general with responsibility for personnel by means of the publication of an administrative notice.

Article 3 – Staff members who may be the subject of a reclassification decision

Staff members may be the subject of a reclassification decision if they satisfy all of the following conditions:

- by 31 December of the year of the reclassification exercise at the latest, they have achieved the minimum seniority in the grade required by Article 87(3) of the CEOS,
- they have a contract of at least three years,
- they are in active employment, on parental or family leave or on leave for military service on the date on which the reclassification decisions are adopted by the authority authorised to conclude contracts of employment, and
- their appraisal reports have been finalised in application of Article 5(7) or Article 6(4) of the general provisions for implementing Article 87(1) of the CEOS³, if a report was required under the terms of Article 2 of those provisions. In cases where an appraisal

report has not been finalised as a result of a delay for which the staff member cannot be held responsible, the staff member shall nevertheless take part in the reclassification procedure on the basis of other valid information replacing the appraisal report and may therefore be the subject of a reclassification decision.

Article 4 – Basis of the reclassification procedure

1. The reclassification procedure shall be based on consideration of the comparative merits of the staff members eligible for reclassification. The secure electronic system used to administer the exercise shall contain the information required for this comparative examination. For the purposes of the examination, the authority authorised to conclude contracts of employment shall take into account, in particular:

- (a) reports on the staff members drawn up since their last reclassification or, failing that, since their recruitment to the function group and grade in which they are classified at the time of the reclassification exercise, and in particular the appraisal reports drawn up in accordance with the general provisions for implementing Article 87(1) of the CEOS¹⁸;
- (b) the use by the staff members in the execution of their duties of languages other than the language for which they produced evidence of thorough knowledge in accordance with Article 82(3)(e) of the CEOS, and
- (c) where appropriate, the level of responsibilities exercised by them.

2. If staff members eligible for reclassification have equal merit based on the three factors referred to in paragraph 1, the authority authorised to conclude contracts of employment may give subsidiary consideration to other factors.

Article 5 – Reclassification procedure

1. The reclassification exercise shall be launched only once the appraisal exercise organised in the same year has been finalised. The end of the appraisal exercise shall be announced by the directorate-general responsible for personnel by means of the publication of an administrative notice.
2. At the start of the exercise, the directorate-general for personnel shall notify the directorates-general of the arrangements for the current exercise, giving an indication of the financial resources available for the current year.
3. Within each directorate-general, the directors shall consult the reporting officer referred to in Article 3(1) of the general provisions for implementing Article 87(1) of the CEOS.
4. In each directorate-general, following the consultation under paragraph 3 above, the director-general, deputy directors-general, directors and, where appropriate, the principal advisers, shall proceed with the examination of the comparative merits of the staff members eligible for reclassification. By way of derogation from this paragraph, directors and, where appropriate, advisers who do not have any contract staff in their departments may decide not to take part in this examination.
5. Following the examination in paragraph 4 above, the director-general shall hold a discussion with a delegation appointed by the Central Staff Committee. Except where a

¹⁸ Any reference to the general provisions for the implementation of Article 87 (1) of the Conditions of Employment of Other Servants of the European Union shall be understood as referring to Commission Decision C (2013) 2528 final of 3.5 .2013 on general provisions for the implementation of Article 87 (1) of the Conditions of employment of other servants of the European Union.

director-general has more than 100 contract staff members, the director-general may delegate this task to the director responsible for human resources or to another member of senior management. During this discussion, the director-general shall, at the request of the delegation appointed by the Central Staff Committee, specify the factors referred to in Article 4(2) of these general implementing provisions that were given subsidiary consideration in the case of equal merit.

6. Following the discussion in paragraph 5 above, the director-general shall communicate to all the director-general's staff the list of the staff members he or she wishes to propose for reclassification and shall forward this list to the Joint Reclassification Committee referred to in Annex I.
7. The staff member shall have five working days from the date of publication of this list in which to lodge a complaint with the Joint Reclassification Committee against the fact that he or she is not on the list, with supporting arguments. On receipt of the lists referred to in paragraph 6, the Joint Reclassification Committee, taking into account any complaints it has received, shall compare the merits of the staff members eligible for reclassification and present for the attention of the authority authorised to conclude contracts of employment the list of staff members it recommends for reclassification. At the same time it shall forward the complaints, the explanations as referred to in Article 1(3) of Annex II, and the discrepancies, if any, referred to in Annex III.
8. Once it has received the information referred to in paragraph 7 above, and has at its disposal the files of all the staff members eligible for reclassification, the authority authorised to conclude contracts of employment shall carry out a final comparison of the merits of the eligible staff members and, taking into account the budgetary resources available, shall adopt the list of staff members reclassified. The staff members concerned shall be reclassified in the next higher grade in the function group to which they belong.
9. The list of staff members reclassified shall be published by means of an administrative notice. Each staff member shall be invited to consult his/her reclassification file.
10. Reclassification will take effect on 1 January of the year of the reclassification exercise. If the staff member does not have the seniority in the grade required under Article 87(3) of the CEOS, the reclassification shall take effect on the first day of the month following that in which he or she attains the necessary seniority.
11. Publication of the list of staff members reclassified referred to in paragraph 9 shall constitute communication of the decision within the meaning of Article 25 of the Staff Regulations. The period of three months in which to lodge a complaint, provided for in Article 90(2) of the Staff Regulations, shall start to run on publication of the list.

Article 6 - Average time spent in the grade

For the purposes of the procedure in Article 5 of these general implementing provisions, and subject to the limits imposed by the budget, the authority authorised to conclude contracts of employment shall take account of the following table, which shows for each grade separately the desired average reclassification period.

Function Group	Grade	Average number of years spent in the grade before reclassification into the next grade
IV	18	-
	17	between 6 and 10
	16	between 5 and 7
	15	between 4 and 6
	14	between 3 and 5
	13	between 3 and 5
III	12	-
	11	between 6 and 10
	10	between 5 and 7
	9	between 4 and 6
	8	between 3 and 5
II	7	-
	6	between 6 and 10
	5	between 5 and 7
	4	between 3 and 5
I	3	-
	2	between 6 and 10
	1	between 3 and 5

Article 7 - Final provisions

1. This Decision repeals Annexes VII, VIII and IX to the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union adopted by the Commission on 2 March 2011¹⁹, and Article 12 thereof.
2. The present general implementing provisions shall enter into force on the day of their adoption and shall apply as from the 2013 reclassification exercise.

ANNEX I – JOINT RECLASSIFICATION COMMITTEE

Article 1 – Role of the Joint Reclassification Committee

In accordance with Article 5(7) of these general implementing provisions, the Joint Reclassification Committee shall compare the merits of the staff members eligible for reclassification on the basis of the lists of staff members proposed for reclassification by the directors-general, and take into account the complaints lodged against non-inclusion on the lists. It shall then issue its recommendations regarding staff members to be reclassified, addressed to the authority authorised to conclude contracts of employment.

Article 2 – Composition and working methods of the Joint Reclassification Committee

The Joint Reclassification Committee shall be chaired by an AD official or temporary staff member appointed by the director-general of the Directorate-General for Human Resources. It shall be composed of five officials, temporary staff members or contract staff members appointed by the

¹⁹ C(2011) 1264 final.

director-general of the Directorate-General for Human Resources, and five officials, temporary staff members or contract staff members designated by the Central Staff Committee. The Chair and full members shall each have at least one alternate. The Chair shall be entitled to vote. The Joint Reclassification Committee shall adopt its own rules of procedure and decide on its working methods. The Joint Reclassification Committee may set up one or more joint working parties to carry out preparatory work. If necessary, the Joint Reclassification Committee shall adopt rules of procedure for these joint working parties and decide on their working methods.

Article 3 - Conflict of interests

1. In accordance with Articles 11 and 11a of the Staff Regulations, all members of a Joint Reclassification Committee, including the Chair, shall carry out their duties and conduct themselves solely with the interests of the European Union in mind and shall not deal with a matter in which, directly or indirectly, they have any personal interest such as to impair their independence.
2. If any member of a Joint Reclassification Committee, including the Chair, has a personal interest in a matter such as to impair his or her independence in the handling of that matter, he or she shall be replaced by the appropriate alternate member and refrain from participating in the work of the Committee.
3. A conflict of interests shall be any situation where a member of a Joint Reclassification Committee, including the Chair, is called upon to decide on a matter which could appear, in the eyes of an external third party, as a possible source affecting the staff member's independence on the matter.

Article 4 – Confidentiality principle

The deliberations and documents of the Joint Reclassification Committee shall be confidential.

Article 5 – Possibilities for reclassification reserved for the Joint Reclassification Committee

At the start of each reclassification exercise, the directorate-general with responsibility for personnel shall publish, by means of the administrative notice referred to in Article 2 of these general provisions, the percentage of possibilities for reclassification to be reserved for the work of the Joint Reclassification Committee and hence for its recommendations to the authority authorised to conclude contracts of employment regarding the staff members to be reclassified in the next grade.

ANNEX II – TRANSITIONAL PROVISIONS

Article 1 – Staff members close to the reclassification threshold in 2012

1. At the start of the 2013 reclassification exercise, the total number of reclassification points accumulated by each staff member, following deduction for a reclassification where appropriate, pursuant to Annexes VI and VII of the general provisions for implementing Article 79(2) of the CEOS5 adopted by the Commission on 2 March 2011²⁰, shall be compared with the reclassification threshold set at the end of the 2012 reclassification exercise in application of the same provisions. The result of this comparison shall be shown in the secure electronic system that administers the reclassification exercise.
2. Staff members who, at the end of the 2012 exercise, were six reclassification points or less below the reclassification threshold for their grade, shall be brought to the attention of their directorate-general by the directorate-general for personnel.
3. If, following a comparison of merits, a staff member who at the end of the 2012 exercise was three reclassification points or less below the reclassification threshold for his or her grade is not on the list of staff members proposed for reclassification referred to in Article 5(6) of these provisions, the list must be accompanied by an explanation. The explanation must be based on a comparison of merits in the grade in question.
4. The explanation referred to in paragraph 3 above must also be provided in the case of staff members who, following a comparison of merits, are not included on the list even though they were within four reclassification points of the reclassification threshold for their grade at the end of the 2012 exercise and received an average of at least four reclassification points over the last three reclassification exercises.
5. The staff members referred to in paragraph 2 will be flagged in the secure electronic system as long as they have not been reclassified in application of these general provisions.

Article 2 – Transitional arrangements affecting the Joint Reclassification Committee

By derogation from Article 5 of Annex I to these general implementing provisions, the percentage of possibilities for reclassification to be reserved for the work of the Joint Reclassification Committee, and hence for its recommendations to the authority authorised to conclude contracts of employment regarding the staff members to be reclassified in the next grade, shall be 5% in the first two reclassification exercises to which these general implementing provisions will apply, 4% in the third and fourth reclassification exercises and 3% in the fifth and sixth reclassification exercises.

²⁰ C(2011) 1264 final.

ANNEX III – STAFF REPRESENTATIVES

1. For the purposes of the reclassification exercise, the staff members referred to in Article 3(1) of Annex I to the general provisions for implementing Article 87(1) of the CEOS shall be considered to be a single directorate-general. The Chair of the ad hoc group referred to in Article 3(3) of Annex I to those general provisions shall act as director-general.

By derogation from Article 5(5) of these general provisions, the Chair of the ad hoc group shall hold a discussion with the director-general of the directorate-general for personnel. The director-general may delegate this task to the director responsible for human resources or to another member of senior management.

2. For the purposes of the reclassification exercise, staff members referred to in Article 3(2)(a) of Annex I to the general provisions for implementing Article 87(1) of the CEOS shall be considered to belong to the directorate-general to which they are assigned.

The Chair of the ad hoc group must communicate the names of the staff members he or she wishes to propose for reclassification to the director-general in good time and in all cases before the discussion referred to in Article 5(5) of these general provisions. In the event of a discrepancy between this proposal and that of the director-general, the latter must inform the Joint Reclassification Committee of this discrepancy when forwarding the list of staff members referred to in Article 5(6) of these general provisions.

3. For the purposes of the reclassification exercise, staff members referred to in Article 3(2)(b) of Annex I to the general provisions for implementing Article 87(1) of the CEOS shall be considered to belong to the directorate-general to which they are assigned.

Now	ARTICLE 12	C(2017) 6760
(1)	<p>In application of <i>Article 87(1) of the CEOS</i>, the ability, efficiency and conduct in the service of each CA 3a engaged for a period of a year or more shall be subject to an annual appraisal report covering all the professional activities of the CA 3a for the period from 1 January to 31 December of the previous year.</p> <p>The procedure for this annual appraisal exercise is set out in the Commission Decision on general provisions for implementing <i>Article 87(1) of the CEOS</i>.</p>	
(2)	<p>In accordance with <i>Article 87(3) of the CEOS</i>, the Commission shall organise every year a reclassification exercise for CA 3a in accordance with the procedure set out in the Commission Decision on general provisions for implementing <i>Article 87(3) of the CEOS</i>.</p>	
(3)	<p>Starting from the third year of engagement as a CA 3b, including after contract renewal, paragraph 1 shall apply <i>mutatis mutandis</i> to CA 3b staff for the reference period from 1 January to 31 December of the previous year.</p>	

- (3) Starting from the third year of engagement as a CA 3b, including after contract renewal, paragraph 1 shall apply *mutatis mutandis* to CA 3b staff for the reference period from 1 January to 31 December of the previous year.**

STAFF REGULATIONS/ CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION.

CEOS: Article 87(1)

1. The first paragraph of Article 43 of the Staff Regulations, concerning reports, shall apply by analogy to contract staff referred to in Article 3a engaged for a period of not less than one year.

CEOS: Article 87(3)

3. In the case of contract staff referred to in Article 3a, classification in the next higher grade in the same function group shall be by decision of the authority referred to in the first paragraph of Article 6. It shall be effected by classifying such contract staff in the first step of the next higher grade. Such advancement shall be exclusively by selection from among contract staff referred to in Article 3a with a contract of at least three years who have completed a minimum period of two years in their grade, after consideration of the comparative merits of such contract staff eligible for advancement to a higher grade and of the reports on them. The last sentence of Article 45(1) of the Staff Regulations shall apply by analogy.

Staff Regulations: Article 43, first paragraph

The ability, efficiency and conduct in the service of each official shall be the subject of an annual report as provided for by the appointing authority of each institution in accordance with Article 110. That report shall state whether or not the performance level of the official has been satisfactory. The appointing authority of each institution shall lay down provisions conferring the right to lodge an appeal within the reporting procedure, which has to be exercised before the lodging of a complaint as referred to in Article 90(2).

Staff Regulations: Article 45(1), last sentence

When considering comparative merits, the appointing authority shall in particular take account of the reports on the officials, the use of languages in the execution of their duties other than the language for which they have produced evidence of thorough knowledge in accordance with point (f) of Article 28 and the level of responsibilities exercised by them.

CEOS: Article 89, paragraph 1

1. Contract staff referred to in Article 3b may be recruited to any grade of function groups II, III and IV as referred to in Article 80, taking into account the qualifications and experience of the persons concerned. To address specific needs of the institutions, labour market conditions prevailing in the Union may also be taken into account. Within their grade, such contract staff shall be recruited in the first step.



Decision C(2013) 2529 concerning the reclassification system for contract staff 3a was not repealed in the latter decision.

This decision on reclassification does not concern CA 3b (see our comments under point 8. Classification in function group / grade).

While the CA 3a were expecting a lot of these new general implementation provisions, among others, the improvement of their career, this decision C(2017) 6760 has not changed the system of reclassification of CA 3a.

Early end of career

After only a few years, this system has reached its limits. Some contract agents, who are on average 35-40 years old, are already at the end of their career in their function group.

How to motivate these agents if their career evolution is over?

Change function group and therefore be forced to change the contract with new conditions?

The value of a reclassification decreases after several years of waiting in the grade

In the reclassification exercise, the Appointing Authority takes into account the table which indicates for each grade separately, the number of years on average desired in the grade before reclassification in the higher grade, and the limits of the budget possibilities.

The most experienced contract agents have to wait **an average of 8 years** before reclassification.

To better understand their situations, here are some examples of career development.

CA GFII / grade 4: having first a CA 3b contract and then a CA 3a contract

+ 3 grades within 18 years

Evolution of career according to the old decision:

C(2011) 1264	2008	2009	2013	2019	2027
Institution	Commission	Agencies / Offices			
CA contract	3b	3a			
Function Group	II	II			
Experience	4 years	5 years	9 years	15 years	
Grade	4	4	5	6	7
Waiting time average to reach the following grade:*		4 years	6 years	8 years	/

Evolution of career according to the new decision:

C(2017) 6760	2017	2018	2022	2028	2036
Institution	Commission	Agencies / Offices			
CA contract	3b	3a			
Function Group	II	II			
Experience	4 years	<5 a years	9 years	15 years	23 years
Grade	4	4	5	6	7
Waiting time average to reach the following grade:*		4 years	6 years	8 years	/

CA FGII / grade 5: having first a CA 3b contract and then a CA 3a contract

+ 2 grades within 14 years

With loss of 1 grade from Commission to Agency / Office:

C(2011) 1264	2008	2009	2014	2022
Institution	Commission	Agencies / Offices		
CA contract	3b	3a		
Function Group	II	II		
Experience	15 years	16 years	21 years	29 years
Grade	6	5	6	7
Waiting time average to reach the following grade:*		6 years	8 years	/

With loss of 2 grades from Commission to Agency / Office:

C(2011) 1264	2008	2009	2014	2022
Institution	Commission	Agencies / Offices		
CA contract	3b	3a		
Function Group	II	II		
Experience	21 years	22 years	28 years	36 years
Grade	7	5	6	7
Waiting time average to reach the following grade:*		6 years	8 years	/

With the same grade from Commission to Agency/ Office

C(2011) 1264	2008	2009	2014	2022
Institution	Commission	Agencies / Offices		
CA contract	3b	3a		
Function Group	II	II		
Experience	9 years	10 years	16 years	24 years
Grade	5	5	6	7
Waiting time average to reach the following grade:*		6 years	8 years	/

Career evolution according to the new Decision:

C(2017) 6760	2017	2018	2024	2032
Institution	Commission	Agencies / Offices		
CA contract	3b	3a		
Function Group	II	II		
Experience	4 years	>5 years	11 years	19 years
Grade	4	5	6	7
Waiting time average to reach the following grade:*		6 years	8 years	/

* FGII: Number of years, in average, in the grade, before reclassification in the next (superior) grade.:

- grade 4: between 3 and 5 years;
- grade 5: between 5 and 7 years;
- grade 6: between 6 and 10 years;
- grade 7: -

CA FGIII/ grade 9: having had first a contract CA 3b and then a contract CA 3a

+ 3 grades within 19 years

With loss of 1 grade from Commission to Agency / Office:

C(2011) 1264	2008	2009	2014	2020	2028
Institution	Commission	Agencies / Offices			
CA contract	3b	3a			
Function Group	III	III			
Experience	10 years	11 years	16 years	22 years	30 years
Grade	10	9	10	11	12
Waiting time average to reach the following grade:*		5 years	6 years	8 years	/

* GFIII: Number of years, in average, in the grade, before reclassification in the next (superior) grade:

- grade 8: between 3 and 5 years;
- grade 9: between 4 and 6 years;
- grade 10: between 5 and 7 years;
- grade 11: between 6 and 10 years;
- grade 12: -

CA GFIV: Having had a first 3b CA contract and then a contract CA 3a

+ 4 grades within 22 years

With the old decision, loss of 3 grades when coming from the Commission to go to the Agency/Office

C(2011) 1264	2016	2017	2020	2025	2031	2039
Institution	Commission	Agencies / Offices				
CA contract	3b	3a				
Function Group	IV	IV				
Experience	18 years	19 years	23 years	28 years	34 years	42 years
Grade	17	14	15	16	17	18
Waiting time average to reach the following grade:*		4 years	5 years	6 years	8 years	/

With the new Decision, there is a loss of one grade when coming from the Commission to Agency/ Office

+ 2 grades within 14 years

C(2017) 6760	2016	2018	2024	2032
Institution	Commission	Agences / Offices		
CA contract	3b	3a		
Function Group	IV	IV		
Experience	18 years	20 years	26 years	34 years
Grade	17	16	17	18
Waiting time average to reach the following grade:*		6 years	8 years	/

* GFIV: Number of years, in average, in the grade, before reclassification in the next (superior) grade:

- grade 13: between 3 and 5 years;
- grade 14: between 3 and 5 years;
- grade 15: between 4 and 6 years;
- grade 16: between 5 and 7 years;
- grade 17: between 6 and 10 years;
- grade 18: /

This is more advantageous for the new CA 3a FGIV but not for the old CA 3a FGIV.

Those who had returned under the old decision, had lost 1 to 3 grades from CA 3b to CA 3a. At present, they will feel again aggrieved vis-à-vis new recruits.

17. CHANGING FUNCTION GROUP

BEFORE

C(2011) 1264

Now

ARTICLE 13

C(2017) 6760

- (1) In application of *Article 87(4) of the CEOS*, a CA 3a shall advance to a higher function group by taking part in a general selection procedure.
- (2) The AECE may also, by way of exception, organise an exercise enabling the CA 3a to advance to the next function group by taking part in a general selection procedure organised by the AECE in accordance with the procedure that it shall set out in advance, within the framework set by this Article.
- (3) When deciding whether to organise such an exercise and determining the function groups covered by the exercise, the AECE shall take into account in particular the existing staff at the Commission for each of the function groups, the commitment forecasts and the available funds.
- (4) When it decides to organise such an exercise, the AECE shall set the specific eligibility criteria for the exercise by means of an administrative notice. When setting the criteria, the AECE shall exclude from participation in the exercise CA 3a staff who:
 - have served as CA 3a staff at the Commission for less than three years;
 - have not been reclassified in the next grade in the same function group, in accordance with *Article 87(3) of the CEOS*.Furthermore, CA 3a staff should have the qualifications required for advancing to the function group for which they are applying as part of the exercise.
- (5) Where a CA 3a is engaged in the next function group at the close of the exercise provided for in this Article, the AECE shall conclude a new contract and shall apply the provisions of Article 5(2), (3) and (4)(a) of Annex III..

CHANGES IN THE TEXT

New point.

STAFF REGULATIONS/ CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION.

CEOS: Article 87(4)

4. A member of the contract staff referred to in Article 3a may change to a higher function group only through participation in a general selection procedure.

CEOS: Article 87(3)

3. In the case of contract staff referred to in Article 3a, classification in the next higher grade in the same function group shall be by decision of the authority referred to in the first

paragraph of Article 6. It shall be effected by classifying such contract staff in the first step of the next higher grade. Such advancement shall be exclusively by selection from among contract staff referred to in Article 3a with a contract of at least three years who have completed a minimum period of two years in their grade, after consideration of the comparative merits of such contract staff eligible for advancement to a higher grade and of the reports on them. The last sentence of Article 45(1) of the Staff Regulations shall apply by analogy.

Staff Regulations: Article 45(1), last sentence

When considering comparative merits, the appointing authority shall in particular take account of the reports on the officials, the use of languages in the execution of their duties other than the language for which they have produced evidence of thorough knowledge in accordance with point (f) of Article 28 and the level of responsibilities exercised by them.



In this new point, we discover that it is possible to access the group of functions immediately superior to hers by participating in a general selection procedure organized by the AECE according to modalities that it defines beforehand.

We know that now there are two procedures:

1. The general selection procedure (CAST Permanent)

This selection procedure **is** organized on the basis of the call for expressions of interest.

Compared to the old decision, only registered candidates but mostly pre-selected by the recruiting services are invited to take the contract agent tests. (See point 6. Selection)

2. An exceptional exercise organized by the AECE

This exercise **can only** be organized on an exceptional basis

Here, the verb to be is replaced by the verb "can" but with an important detail "exceptionally". Additional conditions are added:

- and after considering:
 - the number of staff in the Commission for each function group,
 - commitment forecasts
 - and budget availability.
- « The AECE can also, exceptionally, organize an exercise by which an CA 3a can access the group of functions immediately superior to its own ... »

But in the past, a contract agent with the abilities (talent!) and already performing the duties in his department could access either the higher function group or a higher function group ²¹. This will no longer be possible with this procedure "exceptionally".

²¹ Judgment of the Civil Service Tribunal of the European Union (2013) F 158/12

- *Eligibility criteria will limit access to all interested candidates:*

The old decision allowed all applicants with the minimum qualifications to take tests at EPSO in a higher function group and then seek employment in that group.

In this paragraph, we do not find the modalities that allow to publish this selection "exceptionally". Would it be via an internal publication of vacancies? by a permanent CAST? Or other?

- *If it is via a permanent CAST, this implies that all the AC 3bis concerned must first be entered in the database and must enter the information required in this article (have already been reclassified in the same group of functions, ..). To date, no communication has been made to this effect.*

In recent months, executive agencies have promoted the use of the general "permanent CAST" procedure to recruit staff for vacancies.

Some internal agency colleagues were surprised that they were not invited to take tests in a higher function group.

This shows that this new procedure, which is long awaited by agents at the end of their career, does not guarantee them, that they will be invited to take tests in a higher function group, even if they already have the required experience.

In this new procedure on an exceptional basis, we note:

- *it allows eligible CA 3a not to compete with other contractual agents (CA 3b and CA 3a not eligible for the exercise).*
- *In all cases, it costs less to the institution (fewer candidates to test)*

After receiving a engagement offer in a higher function group

- *The recruited agents will receive a new contract with the conditions of the 2014 reform (pension, retirement, ...).*
- *These agents will have to complete a nine-month probationary period.*
- *In the case of manifest unsuitability of the contract agent, the AECE may re-engage him in the previous function group after having identified vacant functions within the institution corresponding to the previous function group.*

The conclusion of the new contract is made in the grade, step and seniority that the agent held in that function group.

As we have seen in point 12 "succession of contracts" concerning the fact that an CA 3a already on a permanent contract, kept his / her CDI even during a change of function group, this means that the AECE will have to find a job to CA 3a in his previous function group or proceed to a dismissal procedure with all the constraints that this may entail.

It is advisable for each agent to analyze his personal situation before" taking the plunge".

This procedure is not applicable to FGIV contract agents!

But in the executive agencies and in the delegations, these CA 3a FGIV could obtain contracts of temporary agents given their qualifications!

It should be noted that in the Executive Agencies, managerial positions, but also some “middle management jobs”, are filled by seconded officials from the Commission.



18. MOBILITY WITHIN THE COMMISSION AND BETWEEN THE COMMISSION AND THE EXECUTIVE AGENCIES

BEFORE

C(2011) 1264

Now

ARTICLE 14

C(2017) 6760

- (1) In order to facilitate the mobility of contract staff within the Commission departments and between these departments and the executive agencies and make the best possible use of the skills available, departments may organise a selection procedure similar to the general selection procedure provided for in Article 2(6) of Annex I reserved for CA 3a already employed by the Commission and the executive agencies.

To this end, vacant CA 3a posts may be published internally at the Commission and the executive agencies. Where they have the qualifications, skills and experience required to perform the tasks set out in the vacancy notice, CA 3a staff in Commission departments and executive agencies who belong to the same function group as the one published in the vacancy notice and who have served for at least three years as CA 3a staff within the Commission or an executive agency may apply directly to the departments concerned. The post shall also be open to CA 3a staff who belong to the function group below the one published in the vacancy notice who have passed a general selection procedure under the exercise referred to in Article 13.

- (6) The same procedure for publication and selection as the one provided for in paragraph 1 may be followed for certain posts open to Function Groups III and IV in EU delegations, which involve, in particular, leading and managing a team of contract or local staff. Candidates must have served as CA 3a staff for at least four years within the Commission and fit the profile required to fill the vacant post.
- (7) If the department deems it advisable, the published post referred to in paragraph 1 may be opened to CA 3b staff. In order to be able to apply, CA 3b staff must belong to the same function group as the one published in the vacancy notice, have served as CA 3b staff for at least three years within the Commission and have the qualifications, skills and experience required to carry out the tasks set out in the vacancy notice. If the selection procedure for CA 3a staff as referred to in paragraph 1 is unsuccessful, applications from CA 3b staff may be examined by the department concerned before resorting to the selection procedure referred to in Article 2(2) of Annex I.
- (8) For the engagement of CA 3a staff selected in accordance with the procedure in paragraphs 1 and 2, the AECE shall amend the contract, except in the case of (i) a change of institution, in which case the AECE shall conclude a new contract and apply the provisions in Article 1 of Annex III, and (ii) engagement in the next function group under the exercise referred to in Article 13, in which case Article 13(5) shall apply.
- (9) For the engagement of CA 3b staff selected in accordance with the procedure in paragraph 3, the AECE shall conclude a CA 3a contract and apply Article 3 of Annex III.

- (10) This Article shall apply without prejudice to the mobility of CA 3a staff organised pursuant to *Articles 2 and 3 of Annex X to the Staff Regulations*.

CHANGES IN THE TEXT

New point.

STAFF REGULATIONS/ CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION.

Article 2 of Annex X to the Staff Regulations

By decision of the appointing authority in the interests of the service, officials shall be transferred periodically, if necessary without regard to vacant posts.

The Appointing Authority shall make such transfers by a specific procedure referred to as the mobility procedure , for which it shall lay down detailed implementing rules, after consulting the Staff Committee.

Article 3 of Annex X to the Staff Regulations

Under the mobility procedure, an official assigned to a third country may, by decision of the Appointing Authority, be reassigned temporarily with his post to the seat of the institution or any other place of employment in the Union ; such assignments, which shall not be preceded by a vacancy notice, may not be for more than four years. By way of derogation from the first subparagraph of Article 1, the appointing authority may decide, on the basis of general implementing provisions, that the official shall remain subject to certain provisions of this Annex for the duration of this temporary assignment, excluding Articles 5, 10 and 12 thereof.

first subparagraph of Article 1 of Annex X to the Staff Regulations

This Annex lays down the special and exceptional provisions applicable to officials of the European Union serving in a third country.

Only nationals of Member States of the Union may be recruited to serve in such a country, the appointing authority not being permitted to invoke the exception provided for in Article 28 (a) of the Staff Regulations.

General implementing provisions shall be adopted in accordance with Article 110 of the Staff Regulations.

Article 5 of Annex X to the Staff Regulations

1. If the institution provides the official with accommodation which corresponds to the level of his duties and to the composition of his dependent family, he shall reside in it.

2. Detailed rules for the application of paragraph 1 shall be laid down by the Appointing Authority, after consultation of the Staff Committee. The Appointing Authority shall also decide on the entitlement to furniture and other fittings for accommodation, in line with the conditions applying at each place of employment.

Article 10 of Annex X to the Staff Regulations

1. An allowance for living conditions shall be fixed, according to the official's place of employment, as a percentage of a reference amount. That reference amount shall comprise the total basic salary, plus the expatriation allowance, household allowance and dependent child allowance, less the compulsory deductions referred to in the Staff Regulations or in the regulations adopted to implement them.

Where an official is employed in a country in which living conditions can be deemed equivalent to those normally obtaining in the European Union, no such allowance shall be payable.

In the case of other places of employment, the allowance for living conditions shall be fixed taking into account, inter alia, the following parameters:

- *health and hospital environment,*
- *security,*
- *climate,*
- *degree of isolation,*
- *other local living conditions.*

The allowance for living conditions fixed for each place of employment shall be reviewed and, where appropriate, adjusted each year by the appointing authority after the opinion of the Staff Committee has been obtained.

The appointing authority may decide to grant a supplementary premium in addition to the allowance for living conditions in cases where an official has had more than one assignment to a place of employment considered difficult or very difficult. That supplementary premium shall not exceed 5 % of the reference amount referred to in the first subparagraph and the appointing authority shall duly substantiate its individual decisions in order to respect equality of treatment, basing itself on the level of difficulty of the previous assignment.

2. If living conditions at the place of employment are such as to put the official at personal risk, a temporary additional allowance shall be paid to him by special reasoned decision of the appointing authority. That allowance shall be fixed as a percentage of the reference amount referred to in the first subparagraph of paragraph 1:

where the authority recommends to its staff not to settle their families or other dependants in the place of employment, provided that they follow that recommendation;

where the authority decides to reduce temporarily the number of staff serving in the place of employment.

In duly justified cases, the appointing authority may also determine that a post is a non-family posting. The above-mentioned allowance shall be paid to staff members who respect that determination.

3. Detailed provisions for the application of this Article shall be decided by the appointing authority.

Article 12 of Annex X to the Staff Regulations

At the request of the official, the appointing authority may decide to pay all or part of his remuneration in the currency of the country of employment. In that event, it shall be subject to the weighting for the place of employment and shall be converted on the basis of the corresponding exchange rate.

In duly substantiated exceptional cases, the appointing authority may make all or part of this payment in a currency other than that of the country of employment in such a way as to maintain purchasing power.



This new “mobility” point is very important for contract agents, especially for CA 3a. However, it does not add much to what was applicable in the old decision.

"Mobility" in the same way as that of civil servants does not exist for contract agents.

Interinstitutional "mobility" can only be done by signing a "new contract" with a new institution. This is not a mobility but a change of employer!

This implies that the rules of the 2014 reform (retirement age, pension contribution at 1.8% per annum, ...) will apply.

For contract agents who had already signed their contract before 2014, it is not always interesting to sign a new contract! Everyone must analyze his/her personal situation before taking a decision.

In this article 14:

- the word “may” is used: "the services **may** organize a selection procedure similar to the **general selection procedure provided for in Article 2 (6) of Annex I**".
- As in the past, vacant CA 3a functions may be published internally to the Commission and the executive agencies.

Additional conditions have been added to apply to the services that organize the selection:

- the condition of having completed three years of service at least as CA 3a.
- It is specified that the procedure is also open to CA 3a who belong to the function group below the one published in the vacancy notice and who have passed a general selection procedure for the exercise referred to in Article 13.

These CA 3a already followed this procedure in the past.

The old lists of laureates are about to expire, it is likely that people on these lists must start again and especially register in the CAST permanent to have the opportunity to be invited to sit for the tests!

- At present, these internal publications "may" be opened to CA 3b. Their applications may be examined if the procedure for selecting an CA 3a is unsuccessful.
- The same procedure for the publication of vacant functions for CA 3a FGIII and IV in delegation may also be done. But here, there is the condition to have completed four years of service at least as CA 3a within the Commission which has been added.

What about contractual agents 3a (Agency?) Who have not completed this number of years as CA 3a within the Commission.

This condition does not apply in the vacant functions of CA 3a FGIII and IV in the executive Agency!

In the case of internal publications, including in delegations, the classification of CA 3a recruited is monitored according to the "Mobility" table according to decision C (2017) 6760 (see next page).

BEFORE

Table Mobility according to decision C(2011) 1264

Mobility	CA 3a		FG	Contract	Type of Contract CA 3a	Probationary period	Classification
	Work 1	Work 2					
External	Agency/Institution	Commission	Same	New	a) or b)	e)	f)
			Other		c) or d)	Yes	g)
	Agency/Institution "x"	Agency/Institution "y"	Same	New	a) or b)	e)	f)
			Other		c) or d)	Yes	g)
	Commission	Agency/ Institution	Same	New	a) or b)	e)	f)
			Other		c) or d)	Yes	g)
Internal	Commission	Commission	Same	Same	a) or b)	e)	f)
			Other	New	c) or d)	Yes **	g)
	Agency/Institution "x"	Agency/Institution "x"	Same	Same	a) or b)	e)	f)
			Other	New	c) or d)	Yes	g)

Permanent Contract (CDI)

Fixed term Contract (CDD)

See letters a), b), c), d), e), f), g) below including * and **.

Table « Type of contract »

Functions Group (FG)	Type of Contract CA 3a		Contract CA 3a Taking in account of previous contracts in order to conclude an potential permanent contract without interruption or interruption less or equal to six months
	Old Institution		New Institution
Same group	a)	Fixed term contract (FTC)	Previous contracts <u>were</u> taken in consideration, excepting if not confirmed during the probationary period*
	b)	PC	Permanent contract (PC)
Other group	c)	FTC	Previous contracts <u>were NOT</u> taken in account.
	d)	PC	Permanent contract (PC)

e) if confirmed in their duties following a probationary period. In this case, they were exempted from the obligation to perform a new probationary period;

* If the probationary period provided for in Article 84 of the CEOS had not been carried out, had not been completed or if the staff member had not been confirmed at the end of the period, CA 3 a has to complete the probationary period in its entirety. Previous contracts were not taken into account in order to conclude a possible contract of indefinite duration.

*** In the event of a negative outcome of the placement in the new function group, the AECE will endeavor to identify within the Institution vacancies corresponding to the previous function group and for which the staff member has the qualifications. required. If such vacant functions are identified, the AECE may re-engage the agent in the previous function group. In this case, the appointment is made to the grade, step, and seniority that the agent held in the previous function group before being appointed to the new function group.*

f) The member of the contract staff member was classified in his or her most favored function group resulting from the maintenance of his or her grade, step and seniority acquired in grade and step, or a new classification in the grade. 'Entrance';

g) The contract agent is classified in his function group at the most favorable grade:

if the appointment is made in a higher function group, the contract staff member shall be ranked at the most favorable rank resulting from the application of the rule of maintenance of basic salary referred to in Article 86 (2) of the CEOS. choosing the lowest rank possible given the steps, or a new classification at the entrance;

if the appointment is made in a lower function group, the contract agent is classified in a new grade at the entry.

NOW

Table Mobility according to the decision C(2017) 6760

No change from the Mobility table on the previous page.

Table « Contract types »

The procedures are the same excepting for the taking in account of previous contracts. There can not be any interruption between contracts (see below)

Functions group (FG)	Contract type CA 3a		Contract CA 3a Taking in account of the previous contracts in order to conclude a potential permanent contract without i without interruption or interruption of less than or equal to six months
	Old Institution		New Institution
Same group	a)	Fixed term contract (FTC)	Previous contracts <u>were</u> taken in account, except if not confirmed in the probationary period*.
	b)	PC	permanent contract (PC)
Other group	c)	FTC	Previous contracts <u>were NOT</u> taken into consideration.
	d)	PC	permanent contract (PC)

Here are some differences that must be taken into account when a contract agent changes of Institution:

a) In the Executive Agencies:

1. The lifetime of the agency is limited and varies from one agency to another. This is important for your contract which can end if the life of the agency is not extended. In the meantime, we have seen that when a difficult situation arises for the contract agent, this detail concerning the life of the agency may put him in difficulty. Ex.: In case of "recovery of debts" or "withholding of sums unduly received". If it is an CA 3a of an Office that has to repay the debt, it will be staggered over time. On the other hand, if it is an CA 3a of an executive agency, the debt will have to be repaid before the date of end of the agency (ex.: 2023). Date to review if the agency extends its life.
2. In addition to CA FGIs, CA 3a FGII / III and IV of the executive agencies do not have access to the Commission's internal competitions. See also comments under 6. Selection, the new pilot project "**Junior Professionals Program**"
3. CA 3a are neither electors nor eligible in the internal elections of the Commission. They do not participate actively in the Commission's social dialogue. Where decisions like this are negotiated.
4. No real defense of staff interests:

Unions that provide collective and individual defense of the interests of officials and agents are not officially recognised in the executive agencies. This leaves the staff, in particular the contract agents, very vulnerable to employers who do not hesitate to go as far as weakened face employers who do not hesitate to go as far as breach of contract if necessary, or even to take steps to put on incapacity.

We found that in the absence of defense of their interests but also because of the lack of communication due to a social dialogue almost non-existent in their agency, some agents - having no facility of interinstitutional mobility, which would be an adequate solution to mitigate certain situations - find themselves in such distress that they often have to resort to medical absences, often for long periods.

These agents are found after some time of absence, threatened with being placed in incapacity. Because of this non-existent relationship between the agencies and the unions, the monitoring of these agents, whose demands are numerous, is very difficult.

5. Limited mobility

Internal mobility is limited.

Given their small size and their structure, each executive agency offers fewer opportunities to change jobs. After a few years, the agents quickly went around the house.

Mobility, a question of survival for some agents.

After several years in the same agency, everyone knows each other. Some internal job changes become impossible. Mobility can become a brake for example, for heads of units who are reluctant to see their best elements leaving, or vice versa, they promote external recruitment thinking that talent comes from elsewhere.

In teams, it also happens that conflicts arise. Without quick support, situations become difficult to manage. As a result, long-term absences (burn-out, harassment, etc.) lead to regular checks and visits by the supervising doctors and the medical service, which may result in the incapacity of the staff member concerned, ...

All these steps break the lack of confidence in the hierarchy but also sometimes, towards the colleagues.

Without a quick conflict management, it is impossible to find viable solutions.

Even though cells of "confidential advisers" have been set up as well as local staff committees, it is clear that contract agents find themselves isolated ... and some in extreme psychological distress, turn to the unions to help them.

Contacted late, the unions try to intervene to accompany them. However, they are not recognized by the executive agencies. After more than ten years of existence of executive agencies, we are still discussing the establishment of a Committee for Prevention and Protection at Work (CPPT). This committee is compulsory in Belgium.

In cases of harassment, the officer concerned needs to change the work environment. A "real" external mobility would allow him to recover more quickly in the active life.

External "mobility" becomes a small expedition

The new permanent CAST procedures offer increased competition and unclear procedures on the publication of positions or on people who are invited by the services to sit for tests.

External "mobility" can only be achieved by signing a new contract

In the case of interinstitutional mobility, contractual agents 3a who have been awarded a contract with the conditions prior to the 2014 reform will be harmed. They will have to sign a new contract with the new conditions of the 2014 reform. This implies a loss of certain assets (pension, retirement age).

b) to the Commission:

- 1. Offices are of indefinite duration.*
- 2. CA 3a are eligible voters and eligible for the internal elections of the Commission. This gives them access to the Commission's social dialogue.*
- 3. CA 3a have access to (possible) internal competitions.*

In addition to access to the Commission's internal competitions and social dialogue, Commission contract agents 3a have more opportunities for mobility.

In the context of internal mobility alone, the Commission's contract agents 3a can not only change their unit, their management but also their building, or even change their country.

The Offices share the same AECE (authority empowered to conclude contracts). They are set in Luxembourg, Ispra and Brussels.

Same thing for the staff of the delegations who can also change country, always keeping the same contract.

External mobility can only be achieved by signing a new contract

In the case of interinstitutional mobility, contractual agents 3a who have been awarded a contract with the conditions prior to the 2014 reform will be harmed. They will have to sign a new contract with the new conditions of the 2014 reform. This implies a loss of certain assets (pension, retirement age).

It is vital for the institution to have rules adapted to the needs of the institution but also to those of the contract agents.



19. PARTICIPATING IN AN INTERNAL COMPETITION FOR OFFICIALS

BEFORE

C(2011) 1264

Now

ARTICLE 15

C(2017) 6760

Contract staff who meet the conditions set out in *Article 82(7) of the CEOS* may take part in the internal competitions organised by the Appointing Authority within the limits set in that Article.

CHANGES IN THE TEXT

New point.

STAFF REGULATIONS/ CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION.

CEOS: Article 82(7)

7. Contract staff in function groups II, III and IV may be authorised to take part in internal competitions only after having completed three years of service in the institution. Contract staff in function group II may have access only to competitions at grades SC 1 to 2, in function group III at grades AST 1 to 2 and in function group IV at grades AST 1 to 4 or at grades AD 5 to 6. The total number of candidates who are members of the contract staff and who are appointed to vacant posts at any of those grades shall never exceed 5 % of the total number of appointments to those function groups made per year in accordance with the second paragraph of Article 30 of the Staff Regulations.



The article allowing contract agents to participate in internal competitions was introduced in this new decision. However, there is no mention of the frequency of these competitions.

The number of contract agents appointed to fill vacancies is fixed in Article 82 (7) of the CEOS. Since the 2014 Staff Regulations allowed contract agents to participate in internal competitions, only one competition was organized.

The frequency and the conditions of access to these competitions are limited.

Among the laureates, it is highly likely that not everyone will have the chance to be recruited. The quota of nominations having been reached very quickly, the rest of the laureates wait in fear of seeing their list expired.

Meanwhile, the "Junior Professionals Program" is emerging: see our comments point 6: Selection.

Remember !

1. Contractual agents 3a FGI of the Commission and all the CAs of the Executive Agencies do not have access to the internal competitions of the Commission.

20. PRIVATE LAW CONTRACTS

BEFORE	ARTICLE 13	C(2011) 1264
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With effect from 1 January 2011, the Commission will not conclude any new contracts of employment or extensions of contracts governed by the national law of a Member State of the European Union. Traineeships within the meaning of the Commission Decision of 2 March 2005 'Rules governing the official traineeships scheme of the European Commission' and of the Decision of the Director-General of the JRC dated 16 March 2007 entitled 'Rules governing the traineeship scheme of the Joint Research Centre' shall not be considered to be an employment contract within the meaning of this Article.

By way of derogation from the previous paragraph, the Directorate-General for Humanitarian Aid (ECHO) may continue, for the management of Commission humanitarian aid in non-member countries, to have recourse to individual experts employed under the labour laws of an EU Member State.

Now	ARTICLE 17	C(2017) 6760
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- (1) The Commission shall not conclude any new contracts of employment or extensions of contracts governed by the national law of a Member State of the European Union. Traineeships within the meaning of Commission Decision of 2 March 2005 'Rules governing the official traineeships scheme of the European Commission' and the Decision of the Director-General of the JRC of 16 March 2007 'Rules governing the traineeship scheme of the Joint Research Centre' shall not be considered to be an employment contract within the meaning of this Article.
- (2) By way of derogation from the previous paragraph:
 - (a) the Directorate-General for Humanitarian Aid (ECHO) may continue, for the management of Commission humanitarian aid in non-member countries, to have recourse to individual experts employed under the labour laws of an EU Member State. These individual experts shall be employed in a non-member country without prejudice to their own training needs or administrative obligations, which should be fulfilled at the central office, or to missions to be carried out as part of humanitarian aid management in other non-member countries. They may, by way of exception and depending on circumstances related to the management of emergency assistance affecting one or more EU Member States, be deployed within the European Union for a period which may not in any case exceed one month (calculated over a six-month period).
 - (b) as regards staff of the Joint Research Centre Directorate-General, specific provisions, including appropriate selection procedures, shall be introduced in order to organise, within the limits of the available budget, the gradual conversion into contracts under the CEOS of contracts which may be concluded under the labour laws of a Member State of the European Union, in order to meet the needs of the JRC with the aim of fulfilling obligations in the field of cooperation, training and scientific education.

CHANGES IN THE TEXT

- (1) ~~With effect from 1 January 2011, the~~The Commission ~~will~~shall not conclude any new contracts of employment or extensions of contracts governed by the national law of a Member State of the European Union. Traineeships within the meaning of ~~the~~ Commission Decision of 2 March 2005 'Rules governing the official traineeships scheme of the European Commission' and ~~of~~ the Decision of the Director-General of the JRC ~~dated of~~ 16 March 2007 ~~entitled~~ 'Rules governing the traineeship scheme of the Joint Research Centre' shall not be considered to be an employment contract within the meaning of this Article.
- (2) By way of derogation from the previous paragraph:-
- (a) ~~the~~ Directorate-General for Humanitarian Aid (ECHO) may continue, for the management of Commission humanitarian aid in non-member countries, to have recourse to individual experts employed under the labour laws of an EU Member State. These individual experts shall be employed in a non-member country without prejudice to their own training needs or administrative obligations, which should be fulfilled at the central office, or to missions to be carried out as part of humanitarian aid management in other non-member countries. They may, by way of exception and depending on circumstances related to the management of emergency assistance affecting one or more EU Member States, be deployed within the European Union for a period which may not in any case exceed one month (calculated over a six-month period).
- (b) as regards staff of the Joint Research Centre Directorate-General, specific provisions, including appropriate selection procedures, shall be introduced in order to organise, within the limits of the available budget, the gradual conversion into contracts under the CEOS of contracts which may be concluded under the labour laws of a Member State of the European Union, in order to meet the needs of the JRC with the aim of fulfilling obligations in the field of cooperation, training and scientific education.



New in the text

ECHO:

The individual experts shall be employed in a non-member country without prejudice to their own training needs or administrative obligations, which should be fulfilled at the central office, or on missions to be carried out as part of humanitarian aid management in other non-member countries. They may, by way of exception and depending on circumstances related to the management of emergency assistance affecting one or more EU Member States, be deployed within the European Union for a period which may not in any case exceed one month (calculated over a six-month period).

JRC:

Specific provisions, including appropriate selection procedures, shall be introduced in order to organize, within the limits of the available budget, the gradual conversion into contracts under the CEOS of contracts which may be concluded under the labour laws of a Member State of the European Union, in order to meet the needs of the JRC with the aim of fulfilling obligations in the field of cooperation, training and scientific education.

21. TRANSITIONAL PROVISIONS

BEFORE	ARTICLE 14	C(2011) 1264
1.	Persons who passed a complete selection procedure prior to the entry into force of these provisions shall be assumed to have complied with the selection procedures described in Annexes II and III of this Decision for as long as the list of results of that procedure remains valid ²² .	
2.	The provisions of Article 5 of this Decision shall not amend contracts in force at the Commission on the date on which this Decision is adopted.	
3.	Where a member of the contract staff or auxiliary contract staff, who had been engaged in the departments and offices referred to in Article 1 in application of the derogation referred to in Article 11(1) of Decision C(2004) 1313 of 7 April 2004 in a profile for which no selection procedure was organised by EPSO during a period of three years following the date on which he or she took up his or her duties, is engaged and takes up duty before 1 August 2012 as a member of the contract staff or auxiliary contract staff in the same function group and to perform the same duties as before, he or she shall be placed in the most favourable grade resulting from: <ul style="list-style-type: none"> – maintaining the grade, step and seniority he or she had at the end of his or her contract as a member of the contract staff in the abovementioned duties; – grading in accordance with the provisions of Article 5. 	
4.	By way of derogation from the provisions of Article 13, <ul style="list-style-type: none"> – contracts for ‘Young Experts in the Delegations’ under the programme of the same name, covered by the labour laws of an EU Member State, may be awarded until 31 December 2012 and may be renewed within the limits laid down in the programme itself; – the Joint Research Centre (JRC) may continue to use grantees within the meaning of the Decision of the Director-General of the JRC entitled ‘Administrative rules applicable to the recruitment of grantees under national law contracts within the framework of the research programmes managed by the Joint Research Centre’²³ employed under the labour laws of an EU Member State. Such contracts may be awarded until such a time as EPSO has finalised a specific selection procedure in conformity with Article 2, Part B, of Annex I²⁴, and this selection procedure has been approved by the Directorate-General for Human Resources and the JRC. 	
Now	ARTICLE 18	C(2017) 6760

- (1) Persons who applied as part of the call for expressions of interest published pursuant to Commission Decisions C(2013) 4459 of 25 July 2013 and SEC(2014) 543 of 15 October 2014 may be recruited as CA 3b staff on the basis of this Decision and in

²² Candidates who have passed the partial CAST 2010 selection shall be assumed to have passed the equivalent of part A1 component described in Appendix III.

²³ Decision of the Director-General of the CCR of 18 February 2008 as amended on 17 February 2010.

²⁴ Read Annex « II », and not « I » »

accordance with Article 2(6) of Annex I as long as no selection procedure has been organised pursuant to Article 2(2)(c) of Annex I. The exception referred to in the first paragraph of Article 3 of Annex I concerning the composition of the selection board shall also apply.

- (3) A selection procedure shall be deemed to have been organised when selection tests, as provided for in Article 2(2)(c) of Annex I have been put in place, which will allow for a reasonable delay between requesting the tests and issuing the results. The date on which the selection tests are deemed to have been organised within the meaning of this paragraph shall be appropriately communicated by DG HR.
- (4) CA 3b staff recruited pursuant to Commission Decisions C(2013) 4459 of 25 July 2013 and PV(2014) 2101 of 30 October 2014 must pass the selection tests provided for in Article 2(2)(c) of Annex I prior to their contract being renewed beyond four years of engagement. They shall be given the opportunity to take these tests at the latest three months before the end of the three-year period. CA 3b staff who have already served 2 years and 9 months on the date of entry into force of these general implementing provisions shall be given the opportunity to take the tests as soon as possible.
- (5) The first sentence of Article 18(3), first paragraph, shall apply as soon as this Decision enters into force to CA 3b staff who are beyond their third year of engagement on the date of entry into force.

CHANGES IN THE TEXT

- ~~(1) → Persons who passed a complete applied as part of the call for expressions of interest published pursuant to Commission Decisions C(2013)⁴⁴⁵⁹ of 25th July 2013 and SEC(2014)⁵⁴³ of 15th October 2014 may be recruited as CA^{3b} staff on the basis of this Decision and in accordance with Article²(6) of Annex¹ as long as no selection procedure has been organised pursuant to Article²(2)(c) of Annex¹. The exception referred to in the first paragraph of Article³ of Annex¹ concerning the composition of the selection board shall also apply. ¶~~
- ~~(2) → A selection procedure shall be deemed to have been organised when selection tests, as provided for in Article²(2)(c) of Annex¹ have been put in place, which will allow for a reasonable delay between requesting the tests and issuing the results. The date on which the selection tests are deemed to have been organised within the meaning of this paragraph shall be appropriately communicated by DG^{HR}. ¶~~
- ~~4.(3) → CA^{3b} staff recruited pursuant to Commission Decisions C(2013)⁴⁴⁵⁹ of 25th July 2013 and PV(2014)²¹⁰¹ of 30th October 2014 must pass the selection tests provided for in Article²(2)(c) of Annex¹ prior to the their contract being renewed beyond four years of engagement. They shall be given the opportunity to take these tests at the latest three months before the end of the three-year period. CA^{3b} staff who have already served 2nd years and 9th months on the date of entry into force of these general implementing provisions shall be assumed to have complied with the selection procedures described in Annexes^{II} and III of this Decision for as long as the list of results of that procedure remains valid, given the opportunity to take the tests as soon as possible. ¶~~
- ~~1. → The provisions first sentence of Article⁵ of 18(3), first paragraph, shall apply as soon as this Decision shall not amend contracts in entry into force at the Commission on the date on which this Decision is adopted. ¶~~
- ~~2. → Where a member of the contract staff or auxiliary contract staff, who had been engaged in the departments and offices referred to in Article¹ in application of the derogation referred to in Article¹¹(1) of Decision C(2004) 1313 of 7 April 2004 in a profile for which no selection procedure was organised by EPSO during a period of three years following the date on which he or she took up his or her duties, is engaged and takes up duty before 1st August 2012 as a member of the contract staff or auxiliary contract staff to CA^{3b} staff in the same function group and to perform the same duties as before, he or she shall be placed in the most favourable grade resulting from: ¶~~
- ~~→ maintaining the grade, step and seniority he or she had at the end of his or her contract as a member of the contract staff in the abovementioned duties; ¶~~
 - ~~→ grading in accordance with the provisions of Article⁵. ¶~~
- ~~3. → By way of derogation from the provisions of Article 13, ¶~~
- ~~→ contracts for 'Young Experts in the Delegations' under the programme of the same name, covered by the labour laws of an EU Member State, may be~~
- ~~5. → Candidates who have passed the partial selection procedure CAST 2010 shall be assumed to have passed the equivalent of part A.I described in Annex^{III}. ¶~~

~~awarded until 31st December 2012 and may be renewed within the limits laid down in the programme itself; ¶~~

~~-(4) → the Joint Research Centre (JRC) may continue to use grantholders within the meaning of the Decision who are beyond their third year of the Director General of the JRC entitled 'Administrative rules applicable to the recruitment of grantholders under national law contracts within the framework of the research programmes managed by the Joint Research Centre'; employed under the labour laws of an EU Member State. Such contracts may be awarded until such a time as EPSO has finalised a specific selection procedure in conformity with Article²⁵ 2, Part B, of Annex²⁵ 1, and this selection procedure has been approved by the Directorate General for Human Resources and the JRC engagement on the date of entry into force. ¶~~

~~¶~~

~~¶ → Decision of the Director General of the JRC of 13th February 2009 as amended on 11th February 2010. ¶~~



On the basis of this new decision, the Commission may continue to engage as CA 3b the persons who have applied for the call for expressions of interest published on the basis of Commission Decisions C (2013) 4459 July 25, 2013 and SEC (2014) 543 of October 15, 2014.

Here are the call for expressions of interest (CEI²⁵) launched from the end of 2013 on EU CV online:

https://ec.europa.eu/dgs/personnel_administration/open_applications/CV_Cand/index.cfm?fuseaction=premierAcces&langue=EN

COM/3/2013/GFIV	CALL FOR EXPRESSIONS OF INTEREST FOR CONTRACT STAFF GFIV IN GENERALIST PROFILES The European Commission is launching a call for expressions of interest for contract staff GFIV to set up a pool of candidates from which to engage contract staff in general fields of activity within the European Commission.	09/09/2013
COM/1/2013/GFII	CALL FOR EXPRESSIONS OF INTEREST FOR CONTRACT STAFF GFII IN GENERALIST PROFILES The European Commission is launching a call for expressions of interest for contract staff GFII to set up a pool of candidates from which to engage contract staff in general fields of activity within the European Commission.	09/09/2013
COM/2/2013/GFIII	CALL FOR EXPRESSIONS OF INTEREST FOR CONTRACT STAFF GFIII IN GENERALIST PROFILES The European Commission is launching a call for expressions of interest for contract staff GFIII to set up a pool of candidates from which to engage contract staff in general fields of activity within the European Commission.	09/09/2013

1. whereas these decisions were considered as temporary,
2. that the candidates did not pass any tests beforehand,
3. that Decision C (2013) 4459 of 25 July 2013 is, moreover, repealed (see in this respect Article 20, "Final Provisions and Entry into Force", of the new Decision C (2017) 6760 and the point 23 of this document),

²⁵ CEI. Calls for Expressions of Interest published on EU CV Online, 09/09/2013 and a lighter CAST procedure provided that any registered candidate could be nominated by the services without any involvement of the Staff Representation.

These candidates were asked to take CBT tests at EPSO, followed by an interview with a joint selection panel. Specific criteria had been established by the services according to the actual needs of the institution.

4. that the decision of the Commission SEC(2014) 543 extends until 31 December 2015 the period for suspending the application of the requirement laid down in Article 3 (1) of Decision C(2011) 1264, but that no new extensions were planned after that date and before the adoption of the new DGEs,

The Commission has continued to recruit CA 3b from those who have applied for these calls for expressions of interest.

These persons may thus be recruited in accordance with the procedure laid down in Article 2 (6) of Annex I, as set out below, whereas this provision is intended for the recruitment of specific profiles of contract staff 3a and according to a derogatory procedure (not requiring the passage of selection tests) and that tests had only been put in place (organized?) for a few months.

6. By way of derogation from paragraphs 1 to 5, where there is a clearly identified and justified need by a Commission department for special skills and experience, the AECE may authorise the publication of a notice and the organisation of a general selection procedure with a view to recruiting one or more CA 3a.
The selection is carried out on the basis of a profile established by the department concerned, approved by DG HR and published on the EPSO website. The service concerned may also publish the notice on its own website and give it as much publicity as it deems appropriate. The AECE informs the Joint Committee annually of the use made of this provision.
The selection procedure is conducted by a selection board identical to the one referred to in paragraph (2)(d). The board draws up a list of the successful candidates, from which the department concerned chooses the person or persons to be engaged. At the request of the Commission, EPSO will be invited to provide support in organising and running the selection procedure.

But on what database will they been selected? EU CV Online, EPSO permanent CAST or both?

In order for this type of recruitment (CEI) to cease, it is necessary for DG HR to make a communication announcing that the selection tests, as provided for in Article 2 (2) (c) of Annex I, have been considered organized. These will be after they have allowed a reasonable time to separate the demand for these tests from the production of the results.

- c) If they have not yet successfully passed preselection tests as part of another preselection organised on the basis of this Annex for the same profile or for an equivalent or higher function group, the candidates preselected by the department referred to in (b) are required to take selection tests.

What reasonable time are we talking about?

This period is not specified but it can not, in any case, be too long.

On the one hand, we expect to have reasonable delays before these tests are considered organized and we expect a "request for these tests" and on the other hand, we put pressure on the CA3b engaged on the basis of these same decisions cited in the first paragraph of this text, as well as on the basis of the PV (2014) 2101 of 30/10/2014, by setting them fast deadlines for passing their tests.

→ Engaged CA 3b must pass their selection tests before their contract is renewed beyond four years of recruitment. The opportunity to take these tests will be offered to them **no later than three months before the expiry of three years**.

→ CAs 3b, having already worked 2 years and 9 months on the date of entry into force of these General Implementing Provisions will be offered the opportunity to pass these tests **as soon as possible**. Again, these "best deadlines" are not specified so that CA 3b remain uncertain.

→ CAs 3b, who are beyond their third year of entry at the time of entry into force **must pass the selection tests before their contract is renewed** beyond four years of commitment.

Are there different deadlines and procedures depending on the type of contract agent to be recruited?

A priori, the provision of Article 2 of Annex I concerns CA 3a, which is made applicable to CA 3b via Article 18 of this decision C (2017) 6760.

The question of a difference according to the "type of agent" should therefore not arise since the same procedure should be followed in so far as they are agents fulfilling the condition laid down in Article 6 of Annex I (competence and specific experience).

However, if you take a closer look ... there are differences depending on the type of contract agent and even within the same type of contract agent:

For 3b contract agents, the following scenarios may occur:

1. The contract agent 3b engaged via the call for expression of interest and an interview with the department concerned, but not having passed a CAST (written and practical tests):

- is directly invited to pass the tests in order to extend his current contract up to 6 years but will also be included in a list of laureates who will have access to the vacancies of CA 3a;
- without having been tested beforehand via a CAST, he will be able to show his experience as CA 3B, in his future candidatures for vacancies of CA 3a;
- Since the person has already passed the tests, it will cost less to the recruiting service.

2. The contract agent 3b recruited after having passed a complete old CAST (written and practical tests) under the former GIPs:

- had to pass a complete **CAST and have an interview with the service concerned before being engaged**;
- can continue / see renewing his CA 3b contract up to 6 years;
- can access vacancies of CA 3a as long as the old CAST lists on which it is registered remain open;
- As soon as these old CAST lists are closed, he will have to register in the permanent CAST as a candidate for CA 3a vacancies since he can no longer be CA 3b after his 6

years of contract. To access it, he will have to pass the tests again but only after having been invited by the recruiting service;

- Running new tests generates additional costs for the institution.

3. Contract staff member 3b recruited after only completing the first part of a CAST (written tests only):

- had to pass the first part of the CAST and have **an interview with the service concerned** before being engaged;
- may continue his CA 3b contract;
- can not access the CA 3a vacancies because he has not passed the full CAST (the practical tests are missing);
- is registered in an old CAST list which will soon expire. In this case, he will have to register in the permanent CAST as a candidate for CA 3a vacancies. To access it, he will have to pass the tests but only after having been invited by the recruiting service;
- Running new tests generates additional costs for the institution.

For contract agents 3a with a generalist profile, the following procedure seems to be the one that will be followed.

The contract agent 3a, recruited after having passed an old CAST in one of the different profiles published, and who now wishes to evolve in a higher function group, or even in another profile:

- had to pass a complete CAST (written and practical tests) but also **an interview before a full selection board** before being engaged to take up the position he currently holds;
- is registered in an old CAST list, relating to another profile or a higher function group, which will soon expire. In this case, **he will have to register in the permanent CAST as a candidate for CA 3a vacancies**. To access these positions, he has to run the tests again but only after being invited by the recruiting service;
- will not have experience in a higher function group or in the other profile to be promoted in his new application, but only a possible diploma or certificate;
- Making new tests generates additional costs for the institution.
- This type of CA 3bis can also follow the procedure indicated in point 17 of this document concerning the change of function groups.

22. MONITORING AND EVALUATION

BEFORE

C(2011) 1264

Now

ARTICLE 19

C(2017) 6760

- (1) DG HR shall be responsible for monitoring the implementation and actual application of this Decision within the Commission, without prejudice to the subsequent creation of a joint committee under the terms of Article 4 of the Commission Decision of 15 July 2005 on improving social dialogue in the Commission through Joint Committees or any amendment thereof.
- (2) DG HR shall draw up a Guide for the Human Resources departments in the Directorates-General and services indicating procedures and good practices to achieve the objectives of this Decision.

CHANGES IN THE TEXT

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The implementation of this new decision is centralized in DG HR.

We are waiting for this "practical guide" mentioned in point (2) of this article 19.

At the time of finalizing this document, we still have no news or information from DG HR.

23. FINAL PROVISIONS AND ENTRY INTO FORCE

BEFORE	ARTICLE 15	C(2011) 1264
1.	Commission Decisions C(2004) 1313 of 7 April 2004, C(2004) 2862 of 27 July 2004, C(2004) 4952 of 17 December 2004, C(2005) 5411 of 16 December 2005 and C(2008) 3933 of 29 July 2008 are hereby repealed.	
2.	These General Implementing Provisions shall enter into force on the day of their adoption.	

MAINTENANT	ARTICLE 20	C(2017) 6760
(1)	These general implementing provisions shall enter into force on 1 November 2017.	
(2)	Commission Decisions C(2011) 1264 of 2 March 2011, C(2013) 4459 of 25 July 2013, C(2013) 8967 of 16 December 2013 and PV(2014) 2101 of 30 October 2014 are hereby repealed.	
(3)	These general implementing provisions shall also apply to contract staff selected on the basis of Commission Decision C(2011) 1264 of 2 March 2011 and still on an open reserve list who receive an offer of employment on or after the day after the entry into force of this Decision. Contract staff shall not have to retake the selection tests referred to in Article 2(2)(c) of Annex I if they have passed equivalent selection tests as part of their selection under Commission Decision C(2011) 1264 of 2 March 2011.	



These new general implementing provisions (GIP) entered into force on 1 November 2017 in the Commission and from the first months of 2018 in the executive Agencies.

During this transitional period, both decisions were in force but did not apply to the same staff. The old decision was applicable in the executive agencies whereas at the Commission, it was the new decision.

All contract agents and candidates waiting for a recruitment offer had to pay attention to the differences between the two decisions. In particular, to know their grade according to their institution, but also the number of years of experience to be argued to reach a higher grade.

Here is the Impact of the new classification system at the entrance to:

➔ the current contracts of CA 3b who have passed a CAST

Contract agents who had received their offer of appointment as a CA 3b prior to the application of the new CEOs and who were required to sign their contracts, were classified according to the grade indicated in their engagement offer. This classification was established according to the rules of the former decision C (2011) 1264 which provided for more entry grades for CA 3b.

In the event of renewal of their fixed-term contract after the application of the new GIPs, the 3b contract agents are classified according to the grade indicated in their engagement offer (received before the signature of their first contract). This classification was established

according to the rules of the former decision C (2011) 1264 where the grades at the entrance of CA 3b were more numerous.

➔ ***The ongoing contracts of CA 3b who didn't pass a CAST***

See details at point 21. Transitory provisions

➔ ***The new contracts CA 3b***

After the 2017 1st of November, each new recruitment offer and each new contract are stated following the last rules of classification foreseen by the decision C(2017)6760.

In the latter, the entry grades of CA 3b and CA 3a have been harmonized.

➔ ***Current contracts of CA 3a***

Contract Agents 3a who had received their recruitment offer prior to the application of the new CEOs and who were required to sign their first contract, received the grade according to the grade indicated in their offer of appointment.

This classification was established according to the rules of the former decision C (2011) 1264 which, regarding the entry grades of CA 3a, required more years of experience to obtain a degree. See point 8 "Classification in function group / grades".

In the event of renewal of their contract or signature of their contract of indefinite duration, the contractual agents 3a have continued to have the classification indicated in their engagement offer (before the signature of the first contract), but with possible grade progression by application of Article 87 of the CEOs, provided that the agent is engaged for a period of at least 3 years and has acquired 2 years of seniority in the grade.

➔ ***The new contracts CA 3a***

Only candidates who have received their engagement offer after the adoption of the new CEOs will be able to benefit from the new grades that are more favorable with respect to the requirement of years of experience to attain a degree.

Those who had received an offer of appointment as a CA 3a before the adoption of the new CEOs, obtain the entry grade, which is less favorable for some, as indicated in the old decision.

It is possible that the latter case does not exist since the executive agencies have taken care to adopt the new decision as soon as possible so as not to harm the new agents.

Here is a concrete case to understand the difference of grade according to the decision applied:

An CA FGII with 6 years experience and who had received a contract offer as CA 3a in an executive agency:

1. If the agency had already adopted the new GIPs as in the Commission:
the classification of the agent was defined in grade **5** of function group II.
2. If the agency had not yet adopted the new GIPs:
the classification of the agent was defined in grade **4** of function group II.

Decisions that have been repealed by this new decision C (2017) 6760:

- **C(2011) 1264 of the Commission dated 2 of March 2011**

The general implementing provisions governing the conditions of employment of contract staff engaged by the Commission pursuant to Article 3a and 3b of the said scheme.

- **C (2013) 4459 of 25 July 2013**

Concerns the suspension of the requirement laid down in Article 3 (1) of Commission Decision C (2011) 1264 of 2 March 2011

The recruitment of CA 3b in the general profiles until 31 December 2014 is possible even if the candidates have not satisfied the selection procedure as defined in Annex III.

- **C (2013) 8967 of 16 December 2013**

- to amend **Commission Decision C (2011) 1264 of 2 March 2011** to take account of the changes introduced by the revision of the CEOS as of 1 January 2014, namely:

- **24-month seniority bonus for contract staff recruited in function group I, grade 1, to take into account work experience of three years or more**
- Auxiliary contract staff are appointed for a fixed term, renewable for a maximum of a total cumulative duration of ~~three~~ **six** years, all services and groups of functions combined.
- Modification as well of Article 7, §2 of the Decision: the words "the standard duration thereof" become "the standard period of the first renewal".
- The procedure provided for in paragraph 2 shall also apply in the event of the drawing up of a probation report for manifest unsatisfactory pursuant to Article 84 ~~(4)~~ **2** of the Conditions of Employment.
- it is recommended to extend the probationary period in accordance with Article 84 ~~(4)~~ **1** of the CEOS.

g. ~~When~~ If the probationary report recommends the dismissal or, exceptionally, the extension of the probationary period in accordance with Article 84 (1) of the CEOS, ~~the validator shall hold a dialogue with the contract agent within 10 working days. The agent and the validator may be assisted during the dialogue by another person, provided that he or she is an official or another agent within the meaning of the CEOS;~~ the report and observations are immediately forwarded to the AECE by the direct supervisor of the agent.

- **PV (2014) 2101 (October 30, 2014)**

Suspension for one year more, until 31 December 2015, of the application of Article 3 (1) of Commission Decision C (2011) 1264 of 2 March 2011 on the general implementing provisions of the Article 79 (2) of the Conditions of employment of other servants of the European Union, governing the conditions of employment of contract staff engaged by the Commission pursuant to Article 3a and 3b of the Conditions of Employment, as regards the appointment of auxiliary contractual agents (CA 3b). This decision takes effect immediately.

Concerning point (3) of Article 20 of the 2017 Decision

Article 20 does not specify which Article 2 (2) (c) is concerned, but it is presumed that it is probably that of Annex I to Decision C (2017) 6760, which stipulates:

- c) If they have not yet successfully passed preselection tests as part of another preselection organised on the basis of this Annex for the same profile or for an equivalent or higher function group, the candidates preselected by the department referred to in (b) are required to take selection tests.

In this point c, it is specified that the agents will not have to retake the selection tests if they have already managed another preselection organized "for the same profile"

Facilitate mobility?

It is important to have more details on this point concerning the "same profile" because it can jeopardize the career and even the mobility of certain contractual agents 3a.

Indeed, if these agents were to pass a new test in another profile at an indeterminate date at this stage, what would become if they did not pass this test?

Here is an example:

In recent years, restructuring / centralization has become commonplace in the Commission (IT, HR, Audit, Legal, etc.).

While the contract agents 3a received, after several years of patience, indefinite contracts in an executive agency or office on one of these profiles, they found themselves after some time on jobs some of which, on a decision taken unilaterally by the Commission and without consulting the staff representatives of the executive agencies, had to be centralized in the Commission.

In some cases, the tasks of these jobs have been assigned to officials, contractors (PMO) and even externs (eg IT tasks) of the Commission. At the end, the executive agencies lose not only their tasks done by contract agents 3a, but they must then pay the Commission to receive these services (IT, Human Resources, ...).

As a reminder, these contractual agents 3a concerned by the restructuring had been initially tested and engaged in their profiles with contracts of indefinite duration, either in the offices, or in the executive agencies which are autonomous vis-à-vis the Commission.

These agents had passed tests but also interviews with representatives of the Commission, executive agencies and staff representation.

Finding themselves without their tasks and with an initial profile whose possibilities to have a post as AC 3a are reduced, they had either agreed to do other tasks to continue in their profile, or decided to voluntarily change of institutions (Parliament, ...) or find a job within their institution, but in a new field.

From "senior" in their field, they are "junior" in another job / domain available internally.

In case of new mobility, internal or inter-institutional, what will happen to these agents who have meanwhile worked in another profile? Will they have to redo a complete selection because they were not previously selected for this same profile?

Will they also have to register in the permanent CAST to be able to apply for an internal or external job?

In addition to the differences of contract related to the life of their executive agency, the staff of executive agencies is left without any defence of their rights (social dialogue) in the face of major changes in their career, but also their contract.



24. IMPLEMENTING RULES: HISTORICAL

In this section, you will find the different general implementing provisions relating to the procedures governing the hiring and employment of contract staff at the Commission.

2004	2005	2007	2008	2011	2013	2014	2017
C(2004) 1313 C(2004) 2862 C(2004) 4952	C(2005) 1287 C(2005) 5411	C(2007) 3714	C(2008) 3933	C(2011) 1264	C(2013) 2528 C(2013) 2529 C(2013) 4459 C(2013) 8967	PV (2014) 2101	C(2017) 6760

2004

C(2004)
1313

Applies to:

- Contracts agents 3a
- Contracts agents 3b

Engaged:

- in the Commission services;
- in Commission Offices that are attached to a Directorate-General or service, the European Anti-Fraud Office (OLAF) and in the Office for Official Publications of the European Communities (OPOCE); and
- the European Personnel Selection Office (EPSO).

Shall not apply to

- conference interpreters referred to in Article 90 of the Conditions of Employment.
- directly to executive agencies the management boards of these agencies should adopt implementing rules for contract staff based on the model of these rules.

Commission decision: General implementing provisions on the procedures governing the engagement and the use of contract staff at the Commission.

Decision of: 7 April 2004

Enter into force on: 1st May 2004

Repealed: 2 March 2011

By the decision: C(2011)1264

C(2004)
2862

Applies to:

- Contracts agents

Decision of: 27 July 2004

Enter into force on: The day after adoption

Repealed: 2 March 2011

By the decision: C(2011)1264

Engaged: Directorate-General for Translation (DOT) and the Statistical Office of the European Communities (Eurostat)

Commission Decision amending Commission Decision of 7.04.2004 on the general implementing provisions on the procedures governing the engagement and the use of contract staff at the Commission

This project aims to allow immediate engagement of contract agents in the Directorate-General for Translation (DOT) and the Statistical Office of the European Communities (Eurostat)

**C(2004)
4952**

Applies to:
- Contracts agents

Decision of

17 December
2004

Enter into force on

The day after
adoption.

Repealed:

2 March 2011

By the decision:

C(2011)1264

Commission Decision amending Commission Decision of 7.04.2004 on the general implementing provisions on the procedures governing the engagement and the use of contract staff at the Commission

Aims to reduce the number of years of professional experience required (**reduction of 10 to 7 years**) for engagement in Commission offices, representations and delegations of contract agents in grade 5 of function group II and in grade 9 of function group III.

This will allow more favourable salary conditions to be offered to persons with 7 to 9 years professional experience beyond the minimum professional experience requirement.

Aims to engage persons in function group II who have no secondary education diploma, but intermediate education, supplementary training and considerable professional experience.

2005

**C(2005)
1287**

Applies to:
- Contracts agents 3a
Engaged by OIB in "creches et
garderies" in Brussels

Decision of:

27 April 2005

Enter into force on

The day after
adoption.

Repealed:

By the decision:

This project aims to offer contracts of indefinite duration as contract agent with compensation added to the normal remuneration.

Article 2 of the Annex to the Conditions of employment of other servants (CEOS) lays down the obligation for the Commission to offer to personnel having been on 30.04.2004 under private law contracts of indefinite duration in Offices by 1.05.2005 employment as contract agents.

The offer has to be based on an assessment of the tasks to be performed. The legal basis foresees the possibility of paying an additional amount of money to these people should the offer result in a reduction in remuneration. People refusing the offer may retain their existing private law contractual relationship with the Commission.

For creches/garderies in Brussels there has been a written commitment in principle since 2001 to personnel to pay such additional amounts. On this basis, intensive negotiations have been conducted with OSPs which have lead, in September 2004, to an agreement on the classification of their tasks and the modalities of the payment. This agreement is now transposed in General implementing provisions to the CEOS to be adopted by the Commission. The Staff Regulations Committee and the Staff Committee have been consulted on the draft decision.

C(2005) 5411	Applies to:	Decision of	16 December 2005
	- Contract agents and agents employed by OIB in « les crèches et garderies »(Brussels)	Enter into force on:	
		Repealed::	2 MArch 2011
		By the decision:	C(2011)1264
<p>amending the General implementing provisions on the procedures governing the engagement and the use of contract staff at the Commission and the General implementing provisions on transitional measures applicable to the staff employed by the Office of Infrastructure of Brussels in "crèches" and "garderies" in Brussels</p> <p>Drawing on the experience gained with the new system of contract agents, the Commission proposes to make a number of improvements to the implementing provisions agreed by the staff representatives</p> <p>This project aims to</p> <ul style="list-style-type: none"> - add mention "to the extent necessary for the performance of their duties", - prolongation of the transitional period by 1 year to 1 May 2007 - the possibility for the Commission to offer contracts of up to 3 years in duration during this transitional period - lowering the threshold of years of relevant professional experience from 10 years to 7 years for Contract Agents of 3 (a) type to have access to Grade 14 - enlarging the selection committee for Contract Agents from two members to four members - giving the possibility of extending the transitional period for phasing-out of current ALAT contracts by an extra 2 months (up to 30 June 2006) if this proves necessary. - One name is also added to the Annex to the General Implementing Provisions (C(2005)1287) on transitional measures applicable to the staff employed in "crèches" and "garderies" in Brussels, as one extra person has fulfilled the conditions of engagement as a Contract Agent - to include more detailed information on the system of staff probation reports for Contract Agents. 			

2007**C(2007)
3714****Applies to:**

- Contract agents 3a

Decision of :

16 July 2007

**Applicable only in
2007**

This project aims at adapting the system of evaluation and reclassification applicable to contractual agents to the revised system applicable to civil servants from 2008, as well as the adoption of the general provisions for the implementation of Article 87 (3) of the scheme applicable to other servants of the European Communities.

The system proposed in 2007 is a unique exercise of evaluation and reclassification which will not be renewed in this form the following years. The attached general implementing provisions list the details of this 2007 financial year.

2008**C(2008)
3933****Applies to:**

- Contract agents 3a engaged before the 1st January 2007.

Decision of

29 July 2008

Enter into force on:

29 July 2008

Repealed::**2 March 2011****By the decision:****C(2011)1264****Employed:**

- in function group I in the Commission services, the European Anti-Fraud Office (OLAF), the Office for Official Publications of the European Union (OPOCE) and the European Selection Office staff (EPSO), or
- in function groups I, II, III and IV in the Administrative Offices of the Commission (Office for the Management and Payment of Individual Rights, Office for Infrastructure and Logistics in Brussels, Office for Infrastructure and Logistics in Luxembourg and at the European School of Administration) and in the representations and delegations of the Commission.

Since Commission Decision C (2007) 3714 is applicable to the year 2007 only, a new legal basis for the evaluation and reclassification of contract staff for the year 2008 should be adopted.

2011

C(2011)
1264

Applies to:

- Contracts agents 3a
- Contracts agents 3b (auxiliary Contracts agents)

Decision of: 2 March 2011

Enter into force on: 2 March 2011

Repealed: 1st November 2017 (*and**)

By the decision: C(2017) 6760

Employés:

- In the Commission services, the European Anti-Fraud Office (OLAF) and the Office for Official Publications of the European Union (OP), the European Personnel Selection Office (EPSO).

The system of contract agents has been set up at the European Commission since 2004. After six years, it is necessary to review the general implementing provisions in order to improve the system into force in the Commission.

The practice of the preceding general provisions has brought to light certain points subject to various interpretations or particular situations not covered by the rules in force. It is therefore necessary to resolve these questions and clarify the text to avoid any ambiguity.

It is necessary to clarify the fundamental differences between contractual agents engaged on the basis of Article 3a of the Conditions of Employment and contract staff engaged on the basis of Article 3b of the Conditions of Employment.

On 29 July 2008, the Commission adopted the general implementing provisions of Article 87 (3) of the CEOS, which establish a system of evaluation and reclassification for the year 2008. It is necessary to set up a long-term evaluation and reclassification system for contractual staff engaged on the basis of Article 3a of the CEOS.

The Commission wishes to harmonize its employment contracts and to ensure that the employment contracts governed by the national law of a Member State of the European Union are tried towards contract agent contracts as far as possible. The regime of contracts governed by the law of third States will continue outside the Union.

*** Article 11 and Annex VI of the general implementing provisions of Article 79 (2) of the Conditions of Employment adopted by the Commission on 2 March 2011 are repealed by Decision C (2013) 2528.**

**** Annexes VII, VIII and IX and Article 12 of the general provisions implementing Article 79 (2) of the Conditions of Employment of Other Servants of the European Union adopted by the Commission on 2 March 2011 (C (2011) 1264) are repealed by decision C (2013) 2529.**

2013

C(2013)
2528

Applies to:

- Contracts agents 3a

Decision of:

3 May 2013

Enter into force on:

3 May 2013

Repealed:

By the decision:

Employed:

- in the services of the Commission,
- the European Anti-Fraud Office (OLAF) and the Office for Official Publications of the European Union (OP),
- to the European Personnel Selection Office (EPSO).

Regarding: Appraisal

On 14 November 2011, the Commission adopted the general implementing provisions of Article 43 of the Staff Regulations, which introduce a revised system for officials for the evaluation exercise.

For the sake of policy coherence, the general principles guiding the staff appraisal exercise should also apply to the appraisal of contract staff employed under Article 3a of the CEOS.

It is therefore appropriate to align the arrangements governing the appraisal exercise of contract staff employed under Article 3a of the CEOS with the new appraisal system adopted by the Commission for civil servants, while laying down specific measures for contract agents to take into account the special situation of this category of staff.

These general provisions come into effect on the day of their adoption and apply to reports drawn up from the 2013 appraisal exercise.

Article 11 and Annex VI of the general implementing provisions of Article 79 (2) of the Conditions of Employment adopted by the Commission on 2 March 2011 (C (2011) 1264) are repealed by this Decision .

Article 2 of Annex VI (C (2011) 1264), however, remains applicable for the purpose of defining the evaluator and validator for the probationary procedure provided for in Article 1 (a) of the Annex V of the general implementing provisions of Article 79 (2) of the CEOS.

C(2013) 2529	Applies to:	Decision of	3 May 2013
	- Contracts agents 3a	Enter into force on:	3 May 2013
		Repealed:	
		By the decision:	
	Employed: <ul style="list-style-type: none"> • in the services of the Commission, • the European Anti-Fraud Office (OLAF) and the Office for Official Publications of the European Union (OP), • to the European Personnel Selection Office (EPSO). Regarding : Reclassification <p>On 14 November 2011, the Commission adopted the general implementing provisions of Article 45 of the Staff Regulations, which introduce for the officials a revised system for the promotion exercise.</p> <p>For the sake of policy coherence, the general principles guiding the promotion of civil servants should also apply to the reclassification of contract staff employed under Article 3a of the CEOS.</p> <p>It is therefore appropriate to align the arrangements governing the reclassification exercise of contract staff employed under Article 3a of the CEOS with the new promotion scheme adopted by the Commission for civil servants, while laying down specific measures for contract staff in order to take into account the special situation of this category of personnel, - apply from the 2013 reclassification exercise.</p> <p>Annexes VII, VIII and IX and Article 12 of the general provisions implementing Article 79 (2) of the Conditions of employment of other servants of the European Union adopted by the Commission on 2 March 2011 (C (2011) 1264) are repealed by this decision C (2013) 2529.</p>		
C(2013) 4459	Applies to:	Decision of	25 July 2013
	- Contracts agents 3b	Enter into force on:	26 July 2013
		Repealed:	1 st November 2017
		By the decision:	C(2017) 6760
	Concerns the suspension of the requirement laid down in Article 3 (1) of Commission Decision C (2011) 1264 of 2 March 2011 <p>This project aims to propose→ the recruitment of CA3 b in the general profiles 31 is possible until December 2014 even if the candidates have not satisfied the selection procedures as defined in Annex III.</p>		

**C(2013)
8967**

Applies to:

- Contracts agents 3a
- Contracts agents 3b

Decision of: 16 December 2013

Enter into force on: 01st January 2014

Repealed: 1^{er} November 2017

By the decision: C(2017) 6760

Engaged by:

- in Commission departments,
- in the European Anti-Fraud Office (OLAF) and the Office for Official Publications of the European Union (OP).
- in the European Personnel Selection Office (EPSO).

This project aims to:

- **Amending Commission decision of 2 March 2011, C(2011) 1264**
In order to be adapted to the amendments brought about by the revision of the CEOS as of 1 January 2014
- **Allow 24 months' additional seniority of step to contract staff recruited in function group I, grade 1, for professional experience equal to or more than 3 years.**
- Auxiliary contract staff shall be engaged for a fixed periode, renewable up to a total duration of ~~three~~ **six** years, including services rendered in all function groups combined.
- The procedure provided for in paragraph 2 shall also apply in the event of the establishment of a probation report for manifest inability pursuant to Article 84 ~~(4)~~ **2** of the Conditions of Employment.
- it is recommended to extend the probationary period in accordance with Article 84 ~~(3)~~ **1** of the CEOS.

~~g. When – If the probationary report recommends the dismissal or, exceptionally, the extension of the probationary period in accordance with Article 84 (1) of the CEOS, the validator shall hold a dialogue with the contract agent within 10 working days. The agent and the validator may be assisted during the dialogue by another person, provided that he or she is an official or another agent within the meaning of the CEOS, the report and observations are immediately forwarded to the AECE by the direct supervisor of the agent.~~

2014

PV

(2014)

2101

Applies to:

- Auxiliary contract staff 3b

Minutes of the: 30 October 2014

Enter into force on:

Repealed: 1st November 2017

By the decision: C(2017) 6760

Suspend for an additional year, until 31 December 2015, the application of Article 3(1) of Commission Decision C(2011) 1264 of 2 March 2011 on the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b of the said Conditions, with regard to auxiliary contract staff (CA 3b). is decision would take effect immediately.

Decision of: 16 October 2017

2017

C(2017)
6760

Applies to:

- Contract staff 3a
- Contract staff 3b

Enter into force:

1st November
2017

But also contract staff selected on the basis of Commission Decision C(2011) 1264 of 2 March 2011 and still on an open reserve list who receive an offer of employment on or after the day after the entry into force of this Decision. Contract staff shall not have to retake the selection tests referred to in Article 2(2)(c) of Annex I if they have passed equivalent selection tests as part of their selection under Commission Decision C(2011) 1264 of 2 March 2011

Engaged:

- in its departments, in particular administrative offices, representations and EU delegations;
- in the European Personnel Selection Office (EPSO);
- in the Publications Office of the European Union (OP);
- in the European Anti-Fraud Office (OLAF).

For the purposes of this Decision, the European Anti-Fraud Office (OLAF), the Publications Office of the European Union (OP) and the European Personnel Selection Office (EPSO) shall be treated in the same way as the Commission departments.

Whereas:

- (1) The number of contract staff employed by the Commission has considerably increased since this category of staff was created in 2004. Contract staff accounted for around 20 % of Commission staff in 2015 and they fulfil an essential role in many of the Commission's activities and processes.
- (2) This high number of contract staff requires that they be better integrated within the Commission by providing them with more prospects for development as part of the talent management policy. This has implications for the whole process of managing this category of staff: from their selection to their appraisal, but also for their career, advancement and reclassification. These developments include the possibility of changing their grade and function group, while making mobility easier between and within departments. The possibilities for recruitment through internal competitions created by the Staff Regulations in 2014 must also become tools for extending the careers of the most deserving members of the contract staff.
- (3) The provisions governing the conditions of employment of contract staff have been adapted several times since 2004 and are currently governed by Commission Decision C(2011) 1264 of 2 March 2011, as amended. It is necessary to revise these provisions in order to adapt them to the new needs and recent developments, particularly in the selection procedure and statutory framework, following the changes resulting from the

revision of the Staff Regulations and the CEOS that have been in force since 1 January 2014.

- (4) Revision of the provisions governing the conditions of employment of contract staff is entirely consistent with the Commission's talent management policy. The objective of this revision is, in particular, to optimise the recruitment process through, for example, permanent calls for expression of interest and the internal publication of vacant posts for contract staff under Article 3a. It also aims to make it possible for the most deserving members of the contract staff to benefit from mobility and provide them with additional career opportunities, for example by organising internal competitions or an exercise enabling contract staff under Article 3a to move into the next function group.
- (5) In order to make mobility easier, it is important to strengthen the link between contract staff employed by the Commission and those employed by executive agencies by using common guidelines for the selection and management of contract staff.
- (6) For the same reason, it is also important to align the employment conditions of contract staff under Article 3a and Article 3b of the CEOS more closely, in particular for grading upon entry and the annual appraisal.
- (7) Given the special position and key role of Article 3a contract staff employed in EU delegations, allowing such staff to fill certain posts within the delegations that involve leading and managing a team of contract and local staff could offer them additional prospects for advancement.
- (8) More generally, the rules and provisions applicable to contract staff should be simplified and should provide greater flexibility in the employment conditions of this staff category, be it in the selection procedure, classification in the function group and grade or the duration and renewal of contracts.
- (9) For reasons of clarity and legal certainty, Commission Decision C(2011) 1264 of 2 March 2011 should be replaced by this Decision.



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Panoptique

[Special **E**dition]

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✓ 14 years after the creation of the CA Statute, the latest decision has not answered the various questions of CA staff nor brought any solution to their problems.

Among these questions:

- CAs blocked in their function Group, career frozen at age 40 for quite a few;
- Mobility compromised by certain "rights/gains" obtained via a contract change (2014 reform);
- Severe lack / absence of social dialogue for staff of executive agencies ;
- Permanent state of uncertainty ... even for pension amounts!

You'd like to know more on the General Implementing Provisions (GIPs) applying to Contract staff? This Panoptique lists the various changes that occurred over the last few years and offers the analysis of the CA GIP 2017.

Only the French version is legally valid

This document is not contractual. It aims at giving an overview of the new General Implementing Provisions (GIPs) and informing you on the changes brought about by the adoption of Decision C(2017)6760. The SFE declines all responsibility for the content of this issue, mistakes or omission it may contain.

Version 1

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