

<b>DECISION No:</b>	<b>2009/3</b>
<b>SUBJECT:</b>	<b>DECISION on general implementing provisions on the procedure governing the engagement and the use of temporary agents at the European Union Agency for Fundamental Rights</b>
<b>PERSON RESPONSIBLE:</b>	<b>Director</b>
<b>STATUS:</b>	<b>FINAL VERSION</b>

THE EXECUTIVE BOARD OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS,

Having regard to the Council Regulation (EC) n<sup>o</sup> 168/2007 of 15 February 2007 establishing the European Union Agency for Fundamental Rights (hereafter "the Agency") and in particular Articles 15 and 24 thereof,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities (CEOS), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68, and in particular to Articles 2 (a) and (b) and 12 (5) of the Conditions of Employment,

Having regard to the Commission Decision C(2005)5304 of 16 December 2005 concerning the Guidelines on Staff Policy in the European Regulatory Agencies,

Following consultation with the Staff Committee and the agreement of the European Commission pursuant to Article 110 of the Staff Regulations,

Whereas:

- (1) Detailed rules on the employment of temporary agents are desirable. These rules should be based on the types and the duration of tasks to be filled with temporary staff.
- (2) Temporary agents should be selected through a transparent and objective procedure.
- (3) The grading of temporary staff should correspond to the functions to be exercised.
- (4) The agency may only recruit temporary staff under Article 2a of the Conditions of Employment of Other Servants.

HAS ADOPTED THE FOLLOWING PROVISIONS:

### *Article 1 - scope*

These rules shall apply to temporary staff referred to in Article 2a (hereafter temporary agents 2a) of the CEOS engaged in the agency, except:

- the post corresponding to the function of Director stated in the European Parliament and Council Regulation (EC) n<sup>o</sup> 168/2007 of 15 February 2007 establishing the agency;
- heads of department whose conditions of engagement and employment shall be earned out in line with the specific decision concerning middle management.

### *Article 2 - type of posts and filling of posts*

With reference to the Guidelines on Staff Policy in the European Regulatory Agencies<sup>1</sup> Temporary agents 2a shall be engaged on temporary posts on long-term or short-term employment depending on the type and the duration of tasks:

- Temporary agents on long term employment shall be engaged for permanent tasks: staff employed on long-term operational, administrative or technical tasks;
- Temporary agents on short term employment shall be engaged for tasks of a limited duration: staff employed on operational, administrative or technical tasks of a defined duration or staff to cover peaks in workload on a limited period.

Long-term employment posts may be filled through an internal engagement procedure or via the Interagency Job Market and then through an external engagement procedure. Short-term employment posts shall only be filled through an external engagement procedure.

The publication of a long-term employment post may be done simultaneously internally in the Agency and in the Interagency Job Market, before making an external publication of the vacant post. However, in the case of simultaneous publication internally and in the Interagency Job Market, the applications of the internal candidates shall be considered first.

### *Article 3 - selection procedure for long-term employment*

The agency may select temporary agents 2a for long-term employment using one of the following selection procedures:

#### **1. Selection procedure by the European Communities Personnel Selection Office (EPSO):**

(a) Where, pursuant to Article 12 (3) and (4) of the CEOS, EPSO organises on request of the agency a selection procedure, it shall follow the same standards as for general officials' competitions<sup>2</sup>.

EPSO shall provide the agency with a short list of successfully tested candidates.

<sup>1</sup> Commission Decision C(2005)5304 of 16 December 2005

<sup>2</sup> The involvement of EPSO in the selection procedures is defined in the Service Level Agreement between EPSO and the Agency.

In the case of general selection procedures performed for different institutions, EPSO shall, on request of the agency, take account of the needs of the agency by reserving a quota of successful candidates and indicating, where appropriate, which of them were successfully tested in the agency's field.

(b) The agency shall set up a Selection Committee, which shall consist of at least three members. Where the Selection Committee consists of three members, there should be one member from the Human Resources and Planning department of the Agency, one member from the relevant department and one person designated by the Staff Committee. The member of the Human Resources and Planning department or the member from the relevant department shall act as chairman.

In other cases, and in particular for selection procedures of experts, two additional members may be designated from another department of the Agency, from outside the agency or from outside the Community institutions.

The members of the Selection Committee who are temporary agents shall be chosen from temporary agents whose function group and grade is at least equal to that of the post to be filled.

(c) The Selection Committee shall invite for interview the candidates from EPSO's short list who are considered to be the most suitable. The minutes of the Selection Committee's meetings shall be drawn up setting out the reasons for any decision taken.

(d) The Selection Committee shall draw up a list of suitable candidates to the Contracting Authority. This list will be valid up to 12 months from the date of its establishment and its validity may be extended by decision of the Contracting Authority.

(e) Candidates shall be informed of the outcome of the interview and of whether they have been placed on the reserve list.

## **2. Selection procedure carried out by the agency:**

(a) the agency may organise a selection procedure, in which it must apply similar standards to those applied in general officials' competitions organised by EPSO.

(b) the agency shall launch the recruitment procedure by advertising vacancy notices specifying the criteria concerning general and specific competencies and key qualifications required and the possible duration of employment, the function group and grade and the main steps of the selection procedure.

The vacancy notice shall be published at least in one of the languages corresponding to the language regime of the Agency on the Agency's Internet site, EPSO website and EU CV-online, as well as if necessary in the international and local and specialist press. The channels of Permanent Representations of the Member States to the European Union and representatives of Member States who sit on the Management Board may also be used.

(c) A Selection Committee as referred to in Article 3 (1) (b) shall evaluate applications and select those candidates meeting the eligibility criteria and matching best the selection criteria required as per vacancy notice.

(d) The Selection Committee shall invite the selected applicants to written tests whose content shall be defined in accordance with the level and profile of the position advertised.

The written tests shall consist of the following components:

- general aptitudes and language abilities to the extent necessary for the performance of their duties;
- knowledge on European integration, the institutions and the agency;
- specific competencies with reference to their profiles, assessing the quality of writing style and presentation.

The above-mentioned components of these tests can be combined and tailored according to the profile of the post.

Derogation from the requirement for written tests can be granted for a selection procedure by decision of the Contracting Authority in exceptional circumstances which need to be duly justified and documented.

In accordance with Article 12 (3) and (4) of the CEOS, EPSO shall, at the request of the agency, provide assistance to the Agency's selection procedure, in particular by providing the written tests and/or defining the content of these tests.

(e) The Selection Committee shall either invite selected candidates to the interview, on the basis of the results of the written tests, or interview selected all candidates. The interview may be organised for the same day as the written tests.

(f) Minutes of Selection Committee's meetings shall be drawn up setting out the reasons for any decision taken.

(g) The Selection Committee shall draw up a short list, in alphabetical order, of suitable candidates to the Contracting Authority. This list will be valid up to 12 months from the date of its establishment and its validity may be extended by decision of the Contracting Authority.

(h) Candidates shall be informed of the outcome of the written tests and the interview and of whether they have been placed on the reserve list or not.

### **3. Interagency job market:**

By derogation to paragraph (1) and (2), the vacancy notice can be published in the interagency job market within the agency network at a range of grades corresponding to the functions. The post shall be reserved to temporary agents 2a of the same function group whose grade is within this range of grades and who meet the following criteria:

- being employed in a Regulatory Agency applying the Staff Regulations as a temporary agent 2a on long-term employment for permanent tasks as defined in Article 2;
- having been selected according to the procedure laid down in Article 3 (1) and (2) or, for staff engaged before the entry into force of this decision, having succeeded in a selection procedure equivalent to that referred to in Article 4.

The agency shall select candidates by following the same procedure as mentioned in Article 4.

From the closing date of the selection procedure on, if no suitable candidates could be found in the network of Agencies, the vacancy notice may be published externally at the most appropriate level.

#### ***Article 4 - Selection procedure carried out by the Agency for short-term employment temporary agents 2a***

The selection procedure carried out by the Agency to select temporary agents 2a for short-term employment shall be that set out in Article 3 (2), except that the matters referred to in Article 3 (2) (d) may be tested orally, which test may also be incorporated in the interview.

#### ***Article 5 - grading***

1. Subject to paragraph 2, depending on the function and the level of tasks and within the limits

authorised by the establishment plan of the Agency, temporary agents shall be engaged in principle

at the following entry grades:

- AST 1 to AST 4 for the function group AST;
- AD 5 to AD 8 for the function group AD.

2. By way of derogation from paragraph (1):

a) In order to ensure high-quality recruitment, if justified by an analysis of the labour market conditions in its sector of work and if the post cannot be filled at a lower grade, the agency may engage temporary agents at grade AD 9, AD 10, AD 11 and on an exceptional basis, on AD 12. Recruitments at grades AD9, AD 10, ADI 1 and AD12 shall remain annually within the limits of 20% of AD recruited per year within the Agency for each type of posts, long-term and short-term employment, as defined in the current Staff Policy Plan approved by the Management Board. This percentage may vary within the limit of an annual average of 20 % calculated over a five year-rolling period. However, during the set up period (i.e. 2009-2010) the Agency will operate outside of the above mentioned limit and may engage temporary agents at higher level grades such as AST 5 to AST 8 in order to fulfill the needs of the Agency and in the interest of the service.

b) Successful candidates selected according to the procedure mentioned in Article 3 (3) shall be recruited at the grade held in their previous agency. Article 32 of the Staff Regulations and Executive Board's Decision concerning the criteria applicable to classification in grade and step on appointment or engagement (Ref. No and date) shall apply concerning the classification in step.

3. The minimum number of years of professional experience required after the award of the qualification certifying the completion of the level of studies required as a condition of eligibility for any selection procedure is as follows:

Grade of engagement	Number of years of professional experience
AD 5	0 years
AD 6	3 years
AD 7	6 years
AD 8	9 years
AD 9/10	12 years
AD 11/12	15 years
AST 1	0 years
AST 2	1 years
AST3	3 years
AST 4	6 years

Where a temporary agent is hired at level AST 5, 6, 7 or 8, 12 years of professional experience is required.

*Article 6 - duration of contracts*

1. Temporary agents 2a may be engaged under their first contract for a fixed period. The contract may be renewed not more than once for a fixed period. Any further renewal shall be for an indefinite period.

2. Contracts of an indefinite period shall only be awarded to temporary agents on long-term employment who have been successful in a selection procedure pursuant to Article 3.

For staff already engaged before the entry into force of this decision, contracts of an indefinite period can be awarded to temporary agents on long-term employment who have been successful in an equivalent selection procedure pursuant to Article 4.

3. Contracts for temporary agents 2a on short-term employment can only be extended once up to 10 years maximum. The duration of the contract shall correspond to the duration of the task.

By derogation, a second extension could be awarded to a temporary agent 2a on short-term employment, subject to the following two conditions:

- the tasks for which the temporary agent was engaged are not completed yet, but should be completed in the near future;
- the management board gives its agreement to awarding the indefinite contract by unanimous decision.

Once it becomes apparent that the tasks will be completed at a certain date in the future, the contract shall be terminated, preferentially at the time the tasks are finished, taking into account the period of notice of the contract.

***Article 7 Probationary Period***

Where a member of temporary staff on short-term employment or long-term employment is engaged on a contract of duration of twelve months or more, he/she shall serve a probationary period according to Article 14 (1) of the CEOS. The report of the probationary period shall be made in accordance with the procedure in Article 14 of the CEOS.

***Article 8 entry into force***

These rules shall take effect on the day following that of its adoption.

They repeal and replace Decision 2006/02A of the Director of the EUMC concerning the recruitment procedures of the Centre.

Done at Vienna, on 18/11/2009

A handwritten signature in blue ink, appearing to read 'Anastasia Crickley', with a stylized flourish extending from the end.

Anastasia Crickley  
Chairperson of the Executive Board