



AD 2013-11

The Administrative Director

Decision on the conditions of engagement for staff members already under contract with Eurojust

THE APPOINTING AUTHORITY,

HAVING REGARD to the Staff Regulations of Officials of the European Union (hereinafter referred to as the "Staff Regulations") and the Conditions of Employment of Other Servants of the European Union (hereinafter referred to as the "CEOS") as laid down by Council Regulation (EEC, Euratom, ECSC) n° 259/68¹ as amended and in particular Articles 8, 10(3), 14, 84, 85 and 86 of the CEOS,

HAVING REGARD to Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime as last amended by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and in particular Article 30 thereof,

HAVING REGARD to the Decision of Eurojust of 22 December 2008 on General Implementing Provisions on the Procedure Governing the Engagement and Use of Temporary Agents at Eurojust (hereinafter referred to as "the Eurojust Decision on Temporary Agents"),

HAVING REGARD to the Decision of Eurojust of 29 July 2008 on General Implementing Provisions on the procedures governing the engagement and the use of Contract Agents at Eurojust, (hereinafter referred to as "the Eurojust Decision on Contract Agents")

HAVING REGARD to the Decision of Eurojust of 15 October 2008 on General Implementing Provisions concerning the criteria applicable to classification in grade and step on appointment or engagement at Eurojust (hereinafter referred to as "the Eurojust Decision on Classification in Grade and Step"),

WHEREAS:

- 1) Eurojust wishes to encourage staff to develop their professional careers within the organisation.

¹ And the amendments thereto.



- 2) The conditions of engagement for candidates already under contract with Eurojust need to be established.
- 3) Neither the Eurojust Decision on Temporary Agents nor the Eurojust Decision on Contract Agents nor the Eurojust Decision on Classification in Grade and Step establishes detailed provisions as regards candidates already under contract with Eurojust.

HAS DECIDED AS FOLLOWS:

Article 1 – Scope

1. This decision applies to:
 - a. Temporary Agents as referred to in Article 2(a) of the CEOS already under contract with Eurojust who, after a selection procedure, are engaged at Eurojust as Temporary Agents, either in the same or different function group or grade, without interruption between contracts; and
 - b. Contract Agents as referred to in Article 3a of the CEOS already under contract with Eurojust who, after a selection procedure, are engaged at Eurojust as Contract Agents or Temporary Agents, without interruption between contracts.
2. This decision does not apply to Temporary Agents and Contract Agents as defined in paragraph 1 who are engaged as middle managers at grade AD9 or above.

Article 2 – Temporary Agents already under contract with Eurojust

1. A Temporary Agent under contract with Eurojust who, following a selection procedure, is engaged by Eurojust as a Temporary Agent in the same function group and grade without interruption between contracts shall be subject to the following rules:
 - a. The engagement shall be recorded in an agreement supplementary to the contract. This supplementary agreement shall not affect the end date of the current contract.²

² If the current fixed term contract of the Temporary Agent was already renewed once, any further renewal shall be for an indefinite period, in accordance with Article 8(2) of the CEOS.



- b. In case the Temporary Agent was serving a contract for an indefinite period in his or her previous post, the contract as amended shall continue to be for an indefinite period.
 - c. A probationary period in accordance with Article 14 CEOS shall only be required in the new post if the Temporary Agent has not yet been confirmed in his or her previous post by virtue of not yet successfully completing a probationary period in respect of that previous post.
 - d. The Temporary Agent shall retain the step in the grade and the seniority in the step.
2. A Temporary Agent under contract with Eurojust who, following a selection procedure, is engaged by Eurojust as a Temporary Agent at a different grade in the same function group without interruption between contracts shall be subject to the following rules:
- a. The engagement shall be recorded in an agreement supplementary to the contract. This supplementary agreement shall not affect the end date of the current contract.³
 - b. In case the Temporary Agent was serving a contract for an indefinite period in his or her previous post, the contract shall continue to be for an indefinite period.
 - c. A probationary period in accordance with Article 14 of the CEOS shall only be required in the new post if:
 - i. The Temporary Agent has not yet been confirmed in his or her previous post by virtue of not yet successfully completing a probationary period in respect of that previous post; or
 - ii. The Temporary Agent served less than two years in his previous post; or
 - iii. The engagement is to a post carrying a grade within the function group that is more than two grades higher than the grade previously held.
 - d. The step in the grade shall be established in accordance with the Eurojust Decision on Classification in Grade and Step.
3. A Temporary Agent under contract with Eurojust who, following a selection procedure, is engaged by Eurojust as a Temporary Agent in a different function group without interruption between contracts shall be subject to the following rules:

³ If the current fixed term contract of the Temporary Agent was already renewed once, any further renewal shall be for an indefinite period, in accordance with Article 8(2) of the CEOS.



- a. The engagement shall be under a new contract for a fixed period.
- b. Previous contracts shall not be taken into account for the purpose of possibly awarding a contract for an indefinite period.
- c. The Temporary Agent shall be under an obligation to serve a full probationary period in accordance with Article 14 of the CEOS.
- d. The step in the grade shall be established in accordance with the Eurojust Decision on Classification in Grade and Step.

Article 3 - Contract Agents already under contract with Eurojust

1. A Contract Agent under contract with Eurojust who, following a selection procedure, is engaged by Eurojust as a Contract Agent in the same function group without interruption shall be subject to the following rules:
 - a. The engagement shall be recorded in an agreement supplementary to the contract. This supplementary agreement shall not affect the end date of the current contract.
 - b. In case the Contract Agent was serving a contract for an indefinite period in his or her previous post, the contract as amended shall continue to be for an indefinite period.
 - c. A probationary period in accordance with Article 84 CEOS shall only be required in the new post if the Contract Agent has not yet been confirmed in his or her previous post by virtue of not yet successfully completing a probationary period in respect of that previous post.
 - d. The Contract Agent shall retain the step in the grade and the seniority in the step, in accordance with Article 8(8) of the Eurojust Decision on Contract Agents.
2. A Contract Agent under contract with Eurojust who, following a selection procedure, is engaged by Eurojust as a Contract Agent in a different function group or as a Temporary Agent without interruption, shall be subject to the following rules:
 - a. The engagement shall be under a new contract for a fixed period.



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- b. The Agent shall be under an obligation to serve a full probationary period in accordance with either Article 84 of the CEOS or Article 14 of the CEOS, as applicable.
- c. The step in the grade shall be established in accordance with either Article 8(8) of the Eurojust Decision on Contract Agents or the Eurojust Decision on Classification in Grade and Step, as applicable.
- d. Previous contracts shall not be taken into account for the purpose of possibly concluding a contract for an indefinite period.

Article 4 - Entry into effect

1. This decision shall enter into force on the day following its adoption.
2. This decision shall apply retroactively from 1 May 2004.

Done at The Hague on 19 April 2013

For Eurojust,

The Administrative Director,

Klaus Rackwitz