



DECISION OF EUROJUST

on General Implementing Provisions on the procedures governing the engagement and the use of Contract Agents at Eurojust

Having regard to the Staff Regulations of Officials (hereinafter referred to as "Staff Regulations") and Conditions of Employment of Other Servants of the European Communities (hereinafter referred to as "CEOS"), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68, and in particular to Article 82(6) of the CEOS,

Having regard to Council Decision of 28 February 2002 on the setting up of Eurojust with a view to reinforcing the fight against serious crime (2002/187/JHA) and in particular Article 30 thereof,

Having regard to the Rules of Procedure of Eurojust (2002/C 286/01) and in particular Article 25 thereof,

Having regard to the Decision of the College of Eurojust of 22 March 2005 on the delegation of powers to the Administrative Director for the approval of the necessary implementing rules to the Staff Regulations,

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

Whereas:

- (1)** Detailed rules on the employment of Contract Agents are desirable and Contract Agents should be selected through a transparent and objective procedure.
- (2)** The rules contained in these implementing provisions, and in particular those on selection procedures and grading, are without prejudice to Article 2 of the Annex to the CEOS.
- (3)** The grading of Contract Agents in function groups needs to be based on the functions to be exercised by the person concerned. It is therefore essential that detailed job descriptions are established for all functions to be filled with Contract Agents.
- (4)** EUROJUST recruits only contract staff under Article 3(a) of the CEOS.

HAS DECIDED AS FOLLOWS:



Title I: General provisions

Article 1 – Definitions

For the purposes of this Decision:

- “Contract Agent” or “CA3(a)” means the staff referred to in Article 3(a) of the CEOS.
- “CA3(b)” means the staff referred to in Article 3(b) of the CEOS.

Article 2 – Scope

These rules shall apply to Eurojust staff as defined in Article 30(2) of the Eurojust Decision, who has been recruited as Contract Agent as referred to in Article 3(a) of the CEOS.

Title II: Procedures

Article 3 – Minimum qualifications required

Article 82(2) of the CEOS shall be applied as follows:

- (1)** Engagement as a Contract Agent shall require at least:
 - (a)** In function group I: successful completion of compulsory education;
 - (b)** In function groups II:
 - A post-secondary education attested by a diploma, or
 - A secondary education attested by a diploma giving access to post-secondary education and appropriate professional experience of three years. The secondary education diploma giving access to post-secondary education may be replaced by a certificate of adequate professional training of not less than three years on condition that there was no similar professional training giving access to higher education at the time it was issued or;
 - Successful completion of intermediate education plus two years relevant supplementary specialised training plus five years appropriate professional experience.



- (c) In function group III:
- A post-secondary education attested by a diploma, or
 - A secondary education attested by a diploma giving access to post-secondary education and appropriate professional experience of three years.
- (d) In function group IV: completed university studies of at least three years attested by a diploma and appropriate professional experience of at least one year.
- (2) Only diplomas and certificates 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.

Article 4 – Probationary period

Where a Contract Agent has to serve a probationary period in accordance with Article 84 of the CEOS, the report referred to in that article shall be established by applying Eurojust's decision on the general implementing provisions for implementing Article 43 of the Staff Regulations by analogy.

Article 5 – Succession of contracts

- (1) The Appointing Authority may engage as CA3(a) persons employed as CA3(b) in an institution only after the latter contracts has expired or been terminated.
- (2) In this case, the Contract Agent CA3(a) must comply with the conditions set out in the CEOS and in these provisions, in particular the conditions concerning the qualifications required, and have undergone a selection procedure as laid down under Article 6 of these rules or an equivalent selection procedure undertaken by a Community institution or agency, followed by an interview carried out under the provisions of Article 6(3)(c) below.



Article 6 – Selection procedure

Eurojust may to recruit Contract Agents CA3(a) by using, alternatively, one of the selection procedures indicated below:

(1) Selection procedure using the European Communities Personnel Selection Office (EPSO) database:

- (a)** Eurojust may recruit Contract Agents CA3(a) by using EPSO's database. Candidates validated in the above-mentioned database are the ones that have successfully completed the selection procedure organized by EPSO according to Article 5(1)(g) of the Commission Decision of 7 April 2004 C(2004) 1313 on the General Implementing Provisions on the Procedures Governing the Engagement and the Use of Contract Staff at the Commission.
- (b)** A Selection Board is to be nominated by the Appointing Authority. The Selection Board shall consist of three members: one from the Human Resources Unit (hereinafter referred to as "HRU"), one from the relevant Unit/Service, and one designated by the Staff Committee of Eurojust. The member of the HRU or the member from the relevant Service/Unit shall act as chairman.
- (c)** The Selection Board shall invite the candidates who are considered to be the most suitable ones for an interview, on the basis of the vacancy notice, from among the list of applicants already validated by EPSO. Minutes of the Selection Board meetings shall be drawn up setting out the reasons for any decision made.
- (d)** Applicants shall be informed of the outcome of the interview.

(2) Selection procedure fully carried out by Eurojust:

- (a)** Eurojust shall launch the recruitment procedure by advertising vacancy notices for at least two weeks specifying the criteria concerning general and specific competencies and key qualifications required.
- (b)** A Selection Board as referred to in (c) below shall evaluate the written applications and select those matching best the profile and qualifications required as per vacancy notice.
- (c)** A Eurojust's Selection Board is to be nominated by the Appointing Authority. The Selection Board shall consist of at least three



members: one from the relevant Unit/Service, one from the Human Resources Unit and one designated by the Staff Committee of Eurojust. The member of the HRU or the member from the relevant Service/Unit shall act as chairman.

(d) The Selection Board, assisted by the Human Resources Unit, shall organize written tests for the most suitable applicants identified through the evaluation mentioned in (b) above. The written tests shall be drafted 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 and the institutions; and
- Specific competencies linked to the profile advertised.

The above-mentioned components can be combined. Specific practical skills such as typing, driving, and the like, may be tested through practical tests.

(e) The Selection Board shall invite for interviews the selected applicants as per point (d). Interviews and written tests may be held the same day. Any decision of the Selection Board concerning the applicants shall be recorded in writing, setting out the reasons for any decision taken.

(f) Eurojust shall draw up a list of successful candidates on the basis of the above mentioned selection procedure. This list will be valid up to 12 months from the date of the establishment of the list and may be extended by decision of the Authority empowered to conclude contracts of employment.

(g) Candidates shall be informed of the outcome of the interview.

(3) Selection procedure partially carried out by Eurojust:

In accordance with Article 85(2) of the CEOS, EPSO shall at the request of Eurojust provide assistance to the selection procedure as mentioned in section (a) of this article with a view to the selection of Contract Agents, in particular by:

- Advertising on its website vacancy notices of Eurojust;



- Giving access to the lists established by EPSO of candidates identified on the basis of the evaluation referred to in Article 5(1)(e) of the Commission Decision of 7 April 2004 C(2004) 1313 on the General Implementing Provisions on the Procedures Governing the Engagement and the Use of Contract Staff at the Commission, followed by the selection procedure indicated in (1)(d) and (e) above.
- Providing and/or organising written tests for Eurojust's selection procedure.

Article 7 – Duration of contracts

- (1)** Contract Agents CA3(a) may be engaged under their first contract for a fixed period of at least three months and not more than five years.
- (2)** The renewal of a contracts in function groups II, III and IV shall be for another fixed period of at least three months and not more than five years. A second renewal without interruption leading to an indefinite duration contract may only be granted if the first two contracts covered a total period of at least five years.
- (3)** The first three renewals of the contract in function group I shall be for fixed periods of at least three months and not more than five years, the fourth renewal, in accordance with Article 85(2) of the CEOS, shall be for an indefinite period. However,
 - Where a total duration of ten years of service would be exceeded, already a previous renewal shall be for an indefinite period, in accordance with Article 85(2) of the CEOS;
 - A fourth renewal without interruption may only be granted if the first four contracts covered a total period of at least five years.
- (4)** In order to be taken into consideration with a view to the award of an indefinite duration contract, the contracts concerned must follow each other uninterruptedly. A gap of six months or more between two contracts shall be regarded as an interruption.
- (5)** Where a contract as CA3(a) in function group I has been renewed three times without a further renewal being granted, any new engagement under such a contract shall be subject to the condition that a 12 year reference period, to be accounted from the moment of the first engagement, has expired.



Article 8 – Grading of CA3(a)

- (1)** Contract Agents CA3(a) shall be engaged:
- (a)** In function group I: in grade 1;
 - (b)** In function group II:
 - In grade 4 if the person has professional experience of up to seven years;
 - In grade 5 if the person has professional experience of more than seven years;
 - (c)** In function group III:
 - In grade 8 if the person has professional experience of up to seven years;
 - In grade 9 if the person has professional experience of more than seven years;
 - In grade 10 if the person has professional experience of more than fifteen years;
 - (d)** In function group IV:
 - In grade 13 if the person has professional experience of up to seven years;
 - In grade 14 if the person has professional experience of more than seven years;
 - In grade 16 if the person has professional experience of more than twenty years.
- (2)** The Appointing Authority may decide to grant the grade immediately above the one determined in paragraph (1) if the function to be filled corresponds to a competency profile where due to the labour market conditions, this measure is necessary to ensure a sufficient number and quality of applications. These profiles shall be determined by decision of the Head of Human Resources and communicated to the Units/Services.



- (3)** In order to be taken into account, professional experience must have been acquired in an activity corresponding at least to the level of qualification required for the access to the function group and having a link with one of the institution's sectors of activity. It shall be taken into account from the date on which the person fulfils the minimum qualifications for engagement set out in Article 3 (including, where applicable, any professional experience required by that article).
- (4)** In the case of a doctorate / PhD the actual duration of the studies shall be taken into account, subject to an upper limit of three years. In the case of other qualifications, the statutory duration of the studies shall be taken into account.
- (5)** Military service and equivalent civilian service shall be regarded as professional experience.
- (6)** For grading purposes, part-time work shall be taken into account in proportion to the stated percentage in relation to full-time work. In the case of freelance translators the extent of the professional experience shall, subject to the period devoted to this activity, be calculated on the basis of the number of pages translated.
- (7)** No period may be counted more than once.
- (8)** Where a Contract Agent CA3(a) is engaged in another entity without interruption -as defined in Article 7(4) – as contract staff under the same type of contract the following shall apply:

 - (a)** If hired to perform duties within the same function group, the member of the contract staff shall retain the grade, step and seniority acquired in his or her grade and step;
 - (b)** If hired to perform duties in a higher function group, the member of the contract staff shall be placed in the most favourable grade resulting from:

 - The application of the provisions under paragraphs (1) to (7), including the requirement that professional experience must have been acquired at least at the level of the function group concerned, and



EUROJUST
P.O. Box 16183
2500 BD The Hague
THE NETHERLANDS

- The application of the rule laid down in Article 86(2) of the CEOS that the basic salary is to be maintained, choosing the grade that, taking into account the steps, constitutes the lowest grade possible.
- (c) If the person is hired to perform duties in a lower function group, paragraphs (1) to (7) shall apply.

Title III: Transitional and Final provision

Article 9 – Transition provisions

The contracts concluded before (date of entry into force of the decision) may only be renewed if the member of staff has successfully completed one of the selection procedures pursuant to Article 6.

Article 10 – Entry into force

These rules shall enter into force on the day following that of its adoption.

Done at The Hague on 15 October 2008

For Eurojust

Jacques J.J.M.M. Vos
Acting Administrative Director