



EUROJUST
P.O. Box 16183
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THE NETHERLANDS

DECISION OF EUROJUST

on General Implementing Provisions on the Procedure Governing the Engagement and the Use of Temporary Agents at Eurojust

EUROJUST,

Having regard to the Staff Regulations of Officials (hereinafter referred to as "Staff Regulations") and the 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 Articles 2(a) and (b) and 12(5) of the CEOS,

Having regard to Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime ((2002/187/JHA) hereinafter referred to as the "Eurojust Decision"), and in particular Article 30 thereof,
Having regard to the Commission Decision C(2005)5304 of 16 December 2005 concerning the guidelines on staff policy in the European Regulatory Agencies,

Having regard to the Rules of Procedure of Eurojust (2002/C286/01), 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 consultation with 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 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. Eurojust may only recruit temporary staff under Article 2(a) and 2(b) of the CEOS.

HAS DECIDED AS FOLLOWS:



Title I: General provisions

Article 1 – Definitions

For the purposes of this Decision:

- “Temporary Agent” means the staff referred to in Article 2 of the CEOS
- “Temporary Agent 2a” means the staff referred to in Article 2(a) of the CEOS
- “Temporary Agent 2b” means the staff referred to in Article 2(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 Temporary Agent as referred to in Article 2(a) and 2(b) of the CEOS, except for:

- The post corresponding to the function stated in the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime : Administrative Director.
- Heads of Unit and Services whose conditions of engagement and employment shall be carried out in line with the specific decision concerning middle management.

Article 3 – type of Posts and Filling of Posts

1. With reference to the Guidelines on staff policy in the European Regulatory Agencies¹, 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.
 - Temporary Agents 2b can be engaged to fill permanent tasks on permanent posts for a short-term employment.

¹ Commission Decision C(2005)5304 of 16 December 2005



2. 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.
3. 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, applications of the internal candidates shall be considered first.

Title II: Procedures

Article 4 – Selection Procedures for Long Term Employment

Eurojust 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) According to Article 12(3) and (4) of the CEOS, EPSO shall organise at the request of Eurojust a selection procedure following the same standards as for the selection of officials².

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

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

- b) Eurojust 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 administration of Eurojust, one member from the relevant Desk/Unit/Service and one person designated by the Staff Committee. The member of the administration or the member from the relevant Desk/unit/service shall act as chairman. In specific cases, in particular for selection procedures for experts, two additional members may be designated from another Desk/Unit/Service of Eurojust or from extern. The members of the Selection Committee who are officials or Temporary Agents shall be chosen from officials/temporary agents whose function group and grade is at least equal to that of the post to be filled.

² The involvement of EPSO in the selection procedures shall be defined in a Service Level Agreement between EPSO and EUROJUST



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- c) The Selection Committee shall invite for interview the candidates from EPSO's short list who are considered to be the most suitable ones among the short list established by EPSO. Minutes of the Selection Committee meetings shall be drawn up setting out the reasons for any decision taken.
- d) The Selection Committee shall propose a short list of successful candidates to the Contracting Authority, who may establish a reserve list of successful candidates. 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 the enrolment to the reserve list.

2. Selection procedure carried out by Eurojust:

- a) Eurojust shall organise a selection procedure, in which it must apply similar standards to those applied in competitions for officials.
- b) Eurojust 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.
- c) The vacancy notice shall be published in English on the Eurojust Internet site, EPSO website as well as if necessary in the international and local and specialised press. The channels of National Desks of Eurojust may also be used.
- d) A Selection Committee as referred to in Article 4(2)(b) shall evaluate applications and select those candidates meeting the eligibility criteria and matching best the selection criteria required as per vacancy notice.
- e) 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 Eurojust.
- Specific competencies with reference to their profiles, assessing the quality of writing style and presentation.



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The above-mentioned components of these tests can be combined and tailored according to the profile of the post. Specific practical skills such as typing, driving, and the like, may be tested through practical tests.

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

- f) The Selection Committee shall either invite selected candidates for interview, on the basis of the results of the written tests, or interview all selected candidates. The Selection Committee may decide, in particular in case of a limited number of selected applicants, that the interviews are held at the same day as the written tests take place. Minutes of the Selection Committee meetings shall be drawn up setting out the reasons for any decision taken.
- g) The Selection Committee shall propose the short list of successful candidates to the Contracting Authority, who may establish a reserve list of successful candidates. 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 interview and the enrolment to the reserve list.

3. Interagency Job Market:

- a) By derogation to paragraph (1) and (2), the vacancy notice can be published in the Interagency Job Market within the Eurojust 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 5.
- b) Eurojust shall select candidates by following the same selection procedure as presented in Article 5.
- c) 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 5 – Selection Procedure Carried out by Eurojust for Short Term Employment Temporary Agents 2(a) and 2(b)

The selection procedure carried out by Eurojust to select Temporary Agents 2a and 2b for short term employment shall be the same as presented in Article 4(1), except for the components of the written tests mentioned in Article 4(1)(e) which can be tested orally and combined during the interview.

Article 6 – 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 Eurojust, 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 derogation to 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, Eurojust may engage Temporary Agents at grade AD9, AD10, AD11 or, on an exceptional basis, at grade AD12. Such recruitments shall remain annually within the limits of 20% of AD recruited per year within Eurojust for each type of posts, long-term and short-term employment, as defined in the current Staff Policy Plan approved by the College of Eurojust. This percentage may vary within the limit of an annual average of 20% calculated over a five years rolling period.
 - b) Successful candidates selected according to the procedure mentioned in Article 4(3) shall be recruited at the grade held in their previous Agency. Article 32 of the Staff Regulations and Article 5 of the Eurojust Decision concerning the criteria applicable to classification in grade and step on appointment or engagement 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 to be requested as eligibility criteria for any selection procedure are the following:



Grade of engagement	Diploma	Number of years of professional experience
AD 5	University 3 years	0 years
AD 6	University 3 years	3 years
AD 7	University 3 years	7 years
	University 4 years	6 years
AD 8	University 3 years	10 years
	University 4 years	9 years
AD 9/10	University 3 years	13 years
	University 4 years	12 years
AD 11/12	University 3 years	16 years
	University 4 years	15 years
AST 1	Post-secondary	0 years
	Secondary	3 years
AST 2	Post-secondary	1 years
	Secondary	4 years
AST 3	Post-secondary	3 years
	Secondary	6 years
AST 4	Post-secondary	6 years
	Secondary	9 years

4. When the diploma is not sufficient to have access to the function group, the professional experience mentioned at Article 5 of the Staff Regulations should be appropriate.



5. 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 7 – 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 4(1) or (2). 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 having passed an equivalent selection procedure pursuant to Article 5.
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.
4. By derogation of paragraph (3), 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 College of Eurojust 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.

5. Temporary Agents 2b shall not be engaged for more than four years. Their contract can be renewed not more than once for a maximum period of two years if the possibility of renewal has been provided for in the initial contract and within the limits provided for in that contract.



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Article 8 – 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 or 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.

Title III: Final Provision

Article 9 Entry into Force

This Decision shall enter into force on the day following that of its adoption.

Done at The Hague on 22 December 2008.

For Eurojust

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