

# **GENERAL IMPLEMENTING PROVISIONS ON THE PROCEDURES GOVERNING THE ENGAGEMENT AND THE USE OF CONTRACT STAFF AT THE COMMISSION**

## **Consolidated version of Commission decisions on contractual agents.<sup>1</sup>**

*This document is for information purpose only. It has no legal binding.<sup>2</sup>*

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<sup>1</sup> Consolidated version of the following decisions:

Commission decision C(2004)1313 of 7 April 2004 entered into force on 1 May 2004,

Commission decision C(2004)2862 of 27 July 2004 entered into force on 28 July 2004

Commission decision C(2004)4952 of 17 December 2004 entered into force on 17 December 2004

Commission decision C(2005)5411 of 16 December 2005 entered into force on 16 December 2005.

<sup>2</sup> A compendium of legal instruments does not have legislative status unless it has been produced by the enacting institution. As the consolidated texts of the Commission in this compendium have been produced by DG Admin, in the case of litigation reference must be made to the relevant Commission decisions as originally published and not to this compendium.

That said, the compendium has been prepared with utmost care and it is hoped that it will be a valuable source of information and a useful work tool.

## **Transitional and final provisions**

Article 11 - Possibility of engaging staff in the entities referred to in Article 3a(1)(c) of the Conditions of Employment and in representations in the new Member States during the transition period

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## **Annex I: Probationary report – contract staff**

**Additional Annexes to the consolidated version:** Recitals from the Commission decisions.

## General provisions

### *Article 1*

#### *Scope*

1. These rules shall apply to contract staff referred to in Article 3a (AC3a) and to contract staff referred to in Article 3b (AC3b) of the Conditions of Employment 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).
2. These rules shall not apply to conference interpreters referred to in Article 90 of the Conditions of Employment.

### *Article 2*

#### *Minimum qualifications required*

In the entities referred to in Article 1 above, Article 82(2) of the Conditions of Employment shall be applied as follows:

1. Engagement as a member of the contract staff shall require at least:
  - a) in function group I, successful completion of compulsory education;
  - b) in function group II<sup>3</sup> :
    - 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 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.

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<sup>3</sup> Article 2 paragraph 1 under (b) modified by article 1 paragraph 1 under (a) of the decision C(2004)4952 of 17.12.2004.

- c) in function group III<sup>4</sup>:
  - 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 3*  
*Probationary period*<sup>5</sup>

1. Where a member of the contract staff serves a probationary period in accordance with Article 84 of the Conditions of Employment a probationary report must be drawn up no later than one month before expiry of the probationary period.
2. The report referred to in paragraph 1 shall be drawn up in accordance with paragraph 3.
3. The report referred to in the preceding paragraph shall be drawn up in accordance with the following procedure:
  - a) The probation supervision shall be the official or temporary staff member under whose supervision the probationary contract staff member performs his/her duties
  - b) Not less than two months before the end of the probationary period, the probation supervisor shall ask the contract staff member to draw up a self-assessment. The contract staff member shall have eight working days in which to do so. The self-assessment shall be included in the probationary report.
  - c) Not more than ten working days after the contract staff member has submitted the self-assessment, the probation supervisor and the contract staff member shall hold a formal dialogue.
  - d) If the contract staff member refuses to finalise the self-assessment within the period set, the probation supervisor may decide to hold the dialogue on the expiry of the period referred to in (b) of this paragraph.
  - e) The dialogue shall cover the ability of the contract staff member to perform his/her duties, and his/her conduct and efficiency in the service.
  - f) Not more than ten working days after the formal dialogue, the probation supervisor shall draw up the probationary report and send it to the contract staff member. The report shall indicate whether the contract staff member has shown adequate qualities

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<sup>4</sup> Article 2 paragraph 1 under (c) inserted by article 1 paragraph 2 under (b) of the decision C(2004)4952 of 17.12.2004.

<sup>5</sup> Article 32 modified by article 2 of the decision C(2005)5411 of 16.12.2005.

to justify retention in his/her function, whether, in exceptional circumstances, the probationary period should be extended or whether the contract staff member should be dismissed in accordance with Article 84(3) of the Conditions of Employment of Other Servants.

g) The contract staff member shall then have eight working days in which to make known any comments. Once this period has elapsed, the probationary report shall be closed.

h) Where the probationary report recommends dismissal or, in exceptional circumstances, the extension of the probationary period, the probation supervisor's hierarchical superior, who must belong to function group AD<sup>6</sup>, shall hold a dialogue with the contract staff member during the dialogue by another person, provided that that person is an official or another staff member.

Not more than five working days after this dialogue the probation supervisor's hierarchical superior shall deliver an opinion to the authority responsible for concluding contracts of employment.

If the contract staff member is an AC3b, the Authority responsible for concluding contract of employment shall decide in light of that opinion, on the follow-up action to be taken in relation to the probationary period.

If the contract staff member is an AC3a and the probation supervisor's hierarchical supervisor confirms the conclusions of the probationary report, the Authority responsible for concluding contracts of employment shall obtain the opinion of the Joint Reports Committee provided for in Article 34 of the Staff Regulations before deciding on the follow-up action to be taken in relation to the probationary period.

4. The same procedure shall apply in relation to the report referred to in Article 84(4) of the Conditions of Employment of Other Servants where, in the event of the obvious inadequacy of the probationary contract staff member, it is decided to draw up such a report.
5. The periods referred to in this Article shall not commence until the request or decision has been communicated to the contract staff member or, at the earliest, when the latter could, acting diligently, have become fully acquainted with the contents of the grounds for the request or decision. Where the contract staff member is prevented, on grounds of absence that are duly substantiated or for other objective reasons which he/she duly demonstrates, from using the computer system, the periods referred to in this Article which are to be observed by the contract staff member shall be increased to 20 working days. Before the period of 20 working days has expired, the contract staff member shall send his/her self-assessment or make known his/her comments to the person responsible for human resources in his/her department. Where the contract staff member fails to react, the person responsible for human resources in the department concerned shall be authorised to draw up or close the report.
6. The probationary report shall be drawn up in accordance with Annex I.<sup>7</sup>

Annex I may be amended by decision of Director-General for Personnel and Administration.

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<sup>6</sup> Until 30 April 2006, the reference to Function Group AD should be taken to mean a reference to Category A\*.

<sup>7</sup> See Annex I located after the consolidated text.

7. Probationary reports shall be managed electronically. Contract staff members shall each have access to their probationary report by means of a personal secret password.

*Article 4*  
*Succession of contracts*

1. The authority referred to in Article 6 of the Conditions of Employment (hereafter AHCC) may engage as AC3b persons employed as AC3a only after the latter contract has expired or been terminated. The same applies in the case of the engagement as AC3a of persons employed as AC3b.
2. In both cases referred to in paragraph 1, even in the presence of an existing contractual relationship, the engagement conditions set out in the Conditions of Employment and in these rules, and in particular the conditions concerning the qualifications required and the selection procedure, shall apply.

***Special provisions for AC3a***

*Article 5*  
*Selection procedure (AC3a)*

1. The selection procedure for AC3a shall comprise the following steps:
  - a. launching of general calls for expression of interest specifying the minimum eligibility criteria concerning general competencies and key qualifications and indicating that, depending on the number of applications received, the selection committee referred to in point e) may apply stricter requirements within the selection criteria published;
  - b. entering of applications electronically in the database set up for this purpose;
  - c. definition of specific competency profiles and qualifications by the AHCC, after consultation of the interested services or bodies;
  - d. testing of candidates matching the profiles and qualifications referred to in point c); the tests shall focus in particular on the candidates' general aptitudes, in particular their verbal and numerical reasoning capacity, and on their linguistic ability to the extent necessary for the performance of their duties. Candidates who have passed the tests will be listed in the database; these listed applications shall be saved in the database for a period of two years;<sup>8</sup>
  - e. evaluation of applications that have been listed pursuant to point d) against objective criteria defined in accordance with the profiles and qualifications referred to under point c). For the purpose of this evaluation, a joint committee shall be established. The committee shall consist of a chairman appointed by AHCC and four members and four alternates; two of each shall be appointed by

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<sup>8</sup> Article 5 paragraph 1 under (d) modified by article 1 paragraph 1 under (a) of the decision C(2005)5411 of 16.12.2005.

the AHCC and by Central Staff Committee. Minutes shall be drawn up on the committee's meetings containing the reasons for the decisions taken;<sup>9</sup>

- f. invitation of candidates identified on the basis of the evaluation referred to in point e) for tests on Commission premises
    - on the candidates' aptitudes and linguistic ability referred to in point d)
    - on their knowledge of European integration and the institutions;
    - on their competence with reference to the profiles referred to in point c);
  - g. validation, in the database, of the candidates who have successfully completed the tests; such validation shall be maintained for three years and may be extended by decision of the AHCC.
  - h. A selection committee which is responsible for the selection of a candidate shall invite for interview the candidates who have been chosen by the service concerned from among the validated candidates on the basis of the job description. This committee shall consist of one member from the human resources unit of the service concerned, one member from the relevant Directorate in that service, one member from another service who shall act as chairman and one person designated by the Central Staff Committee. Minutes of committee meetings shall be drawn up setting out the reasons for any decisions taken. For tasks in Commission delegations outside the European Union candidates may be invited for interview to be conducted by the Head of Delegation concerned, the head of administration and (if different from these persons) the official who is likely to be the hierarchical superior to the member of the contract staff to be engaged; a local staff representative shall be invited and minutes of the interviews shall be drawn up setting out the reasons for the decisions taken;
  - i. documentary verification by DG ADMIN of statements by the selected candidate.
2. The steps described in paragraph 1(a), (b), (f) and (g) shall be organised by EPSO; the tests described in paragraph 1, point d), shall be organised by EPSO or under its responsibility.
  3. Candidates shall be informed about the outcome of the procedures described in paragraph 1(d) to (h).
  4. Where the interest of the service so requires and where no suitable candidates from lists established under paragraph 1(g) are available, DG ADMIN, at request of the service concerned, may grant an exemption from the requirements of paragraph 1 for the recruitment of a member of the contract staff in function group IV. In that case the procedure for the selection of the contract staff shall comply with the second indent of Article 8(2)(b), Article 8(2)(c) and Article 8 (3) of these rules.

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<sup>9</sup> Article 5 paragraph 1 under (e) modified by article 1 paragraph 1 under (b) of the decision C(2005)5411of 16.12.2005

*Article 6*  
*Duration of contracts (AC3a)*

1. AC3a 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 contract in function groups II, III and IV shall be for a fixed period of at least six 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 three years.<sup>10</sup>
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 Conditions of Employment, 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 Conditions of Employment;
  - a fourth renewal without interruption may only be granted if the first four contracts covered a total period of at least three years.<sup>11</sup>
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 AC3a 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 the 12-year reference period laid down in Article 2 of the Commission Decision of 28.4.2004 on the maximum duration for the recourse to non-permanent staff in the Commission services and the Annex thereto has expired.
6. By way of derogation paragraph 2, second sentence and paragraph 3, second indent, shall not apply to a contract agent who had been auxiliary or temporary servant in the corresponding category directly before his engagement as a contract agent.<sup>12</sup>

*Article 7*  
*Grading of AC3a*

- .1. AC3a shall be engaged:
  - a. in function group I: in grade 1;
  - b. in function group I<sup>13</sup>I:
    - in grade 4 if the person has professional experience of up to seven years;

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<sup>10</sup> Article 6 paragraph 2 modified by article 1 paragraph 2 under (a) of the decision C(2005)5411 of 16.12.2005.

<sup>11</sup> Article 6 paragraph 3 modified by article 1 paragraph 2 under (b) of the decision C(2005)5411 of 16.12.2005.

<sup>12</sup> Article 6 paragraph 3 modified by article 1 paragraph 2 under (c) of the decision C(2005)5411 of 16.12.2005.

<sup>13</sup> Article 7 paragraph 1 under (b) modified by article 1 paragraph 2 of the decision C(2004)4952 of 17.12.2004.



- in grade 5 if the person has professional experience of more than seven years;
- c. in function group III<sup>14</sup>:
- 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<sup>15</sup>:
- 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 AHCC 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 Director-General for Personnel and communicated to the 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 2 (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.

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<sup>14</sup>Article 7 paragraph 1 under (c) modified by article 1 paragraph 2 of the decision C(2004)4952 of 17.12.2004.

<sup>15</sup>Article 7 paragraph 1 under (d) modified by article 1 paragraph 3 of the decision C(2005)5411 of 16.12.2005.

7. No period may be counted more than once.
8. Where AC3a are engaged in another entity without interruption as defined in Article 6(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 above, including the requirement that professional experience must have been acquired at least at the level of the function group concerned, and
    - the application of the rule laid down in Article 86(2) of the Conditions of Employment 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 above shall apply.

## **Special provisions for AC3b**

### *Article 8*

#### *Selection procedure (AC3b)*

1. AC3b shall be engaged on the basis of the lists established under Article 5(1)(g) of these rules.
2. Where no suitable candidates from such lists are available, the selection procedure to be followed shall include the following steps:
  - a. The service concerned shall, on the basis of the job requirements, select candidates to be invited for the next step of the procedure referred to in point b) below from amongst the candidates who have been listed in the database in accordance with Article 5(1)(d).
  - b. ...
    - In function group II: tests, organised by EPSO, of the candidates' competences relevant to that job and interviews with the candidates who have passed these tests; these interviews shall be conducted by a committee established for this purpose and shall focus on the personal competencies of the candidates; in the case of selection procedures for functions where no appropriate test is available the tests may be replaced by extending the interviews to include the professional competencies of the candidates;

- In function groups III and IV: interviews with the candidates conducted by a committee established for this purpose. These interviews shall focus on the professional and personal competencies of the candidates.
- c. Documentary verification by DG ADMIN of statements by the candidate selected.
3. The committees referred to in paragraph 2(b) shall consist of one member from the directorate (or service) concerned and one member from another directorate or service who shall be appointed by the human resources unit of the service concerned. Minutes of meetings of the committees shall be drawn up setting out the reasons for any decision taken. The Central Staff Committee shall be notified of meetings and shall designate a person to attend as an observer.

*Article 9*  
*Duration of contracts (AC3b)*

1. Subject to the budgetary rules in force at the Commission and the provisions of the Commission Decision of 28.04.2004 on the maximum duration for the recourse to non permanent staff in the Commission services, AC3b may be engaged for a fixed period of not less than three months, renewable for further periods up to a total duration of three years, including service in all function groups.
2. Subject to the rules referred to in paragraph 1, the first renewal shall be for a fixed period of at least three months. Any further renewal shall be for a fixed period of at least one year. However, a last renewal may be granted for a shorter period of at least three months in the following circumstances: a) the extension is granted to allow the member of the contract staff to serve the maximum period allowed under the applicable rules; b) the member of the contract staff is assigned to a task to be completed in the same period (in function groups III and IV only).

*Article 10*  
*Grading of AC3b*

1. AC3b shall be engaged:
  - a. In function group II:
    - in grade 4 if the person has professional experience of up to five years;
    - in grade 5 if the person has professional experience of more than five years;
    - in grade 6 if the person has professional experience of more than ten years;
    - in grade 7 if the person has professional experience of more than twenty years

- b. in function group III:
    - in grade 8 if the person has professional experience of up to five years;
    - in grade 9 if the person has professional experience of more than five years;
    - in grade 10 if the person has professional experience of more than ten years;
    - in grade 11 if the person has professional experience of more than fifteen years
    - in grade 12 if the person has professional experience of more than twenty years;
  - c. in function group IV:
    - in grade 13 if the person has professional experience of up to four years;
    - in grade 14 if the person has professional experience of more than four years;
    - in grade 15 if the person has professional experience of more than eight years;
    - in grade 16 if the person has professional experience of more than twelve years;
    - in grade 17 if the person has professional experience of more than sixteen years;
    - in grade 18 if the person has professional experience of more than twenty years.
2. Article 7, paragraphs 2 to 7, of the present decision shall apply by analogy.
  3. Where exceptional circumstances linked to labour market conditions justify it, the AHCC may decide to derogate from the rules contained in paragraph 1.

## **Transitional and final provisions**

### *Article 11*

#### *Possibility of engaging staff in the entities referred to in Article 3a(1)(c) of the Conditions of Employment and in representations in the new Member States during the transition period*

1. Commission offices established by specific legal act allowing for the use of AC3a may, before 1 May 2007, engage such contract staff who have not successfully completed the selection procedure laid down in Article 5 of these rules under contracts for a fixed period of not more than three years. The procedure for selecting these contract staff in function groups I and II shall comply with the first indent of Article 8(2)(b), Article 8(2)(c) and Article 8(3) of these rules. The procedure for selecting

these contract staff in function groups III and IV shall comply with the second indent of Article 8(2)(b), Article 8(2)(c) and Article 8(3) of these rules.<sup>16</sup>

2. For staff to be engaged in function groups I and II employed under contracts on 30 April 2004, the tests that had to be successfully completed in order to obtain these contracts shall be considered as equivalent to the tests referred to in the first indent of Article 8(2)(b).
3. The contracts referred to in paragraph 1 may only be renewed once for a fixed period. This renewal is subject to a total duration of the first period and the renewal of not more than three years. These contracts may only be renewed beyond this total duration of three years if the member of staff has successfully completed the selection procedure pursuant to Article 5.

Article 3 of Commission on the maximum duration for the recourse to non-permanent staff in the Commission services (C(2004)1597) shall not apply to the first extension referred to above of contracts of AC3a.<sup>17</sup>

4. In the entities referred to in paragraph 1, contracts for auxiliary staff as of 1 May 2004 may not be concluded or renewed. Contracts existing on that date may run until the date on which the contract expires.
5. Paragraphs 1 and 2 shall also apply to the engagement of AC3a in Commission representations in Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia and Slovakia. Where selection procedures have been carried out before 1 May 2004 these shall replace the selection referred to in paragraph 1.

In these representations auxiliary staff may be engaged as of 1 May 2004 for periods expiring not later than 31 July 2005.

*Article 12*  
*Possibility of engaging staff in services and other entities*  
*during the transition period*

1. In services and entities others than those referred to in Article 11 contract staff who have not successfully completed the selection procedures provided for in Articles 5 or 8 respectively may be engaged between 1 November 2004 and 1 May 2007. The procedure for selecting these contract staff in function groups I and II shall comply with the first indent of Article 8(2)(b), Article 8(2)(c) and Article 8(3) of these rules. The procedure for selecting these contract staff in function groups III and IV shall comply with the second indent of Article 8(2)(b), Article 8(2)(c) and Article 8(3) of these rules. For functions in Commission Delegations outside the European Union candidates may be called for interviews or tests to be conducted by the Head of the Delegation concerned, the head of administration and (if different from these persons) the official who is likely to be the hierarchical superior to the member of the contract staff to be engaged; a local staff representative shall be invited to attend the interviews

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<sup>16</sup> Article 11 paragraph 1 modified by article 1 paragraph 4 under (a) of the decision C(2005)5411 of 16.12.2005.

<sup>17</sup> Article 11 paragraph 3 modified by Article 1 paragraph 4 under (b) of the decision C(2005)5411 of 16.12.2005.

as an observer and minutes of the interviews shall be drawn up setting out the reasons for any decisions taken.<sup>18</sup>

- 1a. Contracts referred to in paragraph 1 and concluded pursuant to Article 3a of the Conditions of Employment shall be concluded for a fixed period of not more than three years and may be renewed once for a fixed period if the first fixed period is less than 3 years. This renewal is subject to a total duration of the first period and the renewal of not more than three years. These contracts may only be renewed beyond this total duration of three years, if the member of staff has successfully completed the selection procedure pursuant to Article 5.

Article 3 of Commission decision on the maximum duration for the recourse to non-permanent staff in the Commission services (C(2004)1597) shall not apply to the first extension referred to in this paragraph.<sup>19</sup>

- 1b. Contracts referred to in paragraph 1 and concluded pursuant to Article 3b of the Conditions of employment shall be renewable up to an actual period of employment, including any period under renewal, of not more than three years.<sup>20</sup>
2. For staff to be engaged in function groups I and II employed under contracts on 31 October 2004, the tests that had to be successfully completed in order to obtain these contracts shall be considered as equivalent to the tests referred to in the first indent of Article 8(2)(b).
3. In services and entities other than those referred to in Article 11, new engagements of auxiliary staff may only take place before 1 November 2004. In these services and entities, the AHCC may renew the contracts of auxiliary staff engaged before 1 November 2004 up to the maximum duration allowed for in Article 52 of the Conditions of Employment.
4. By way of derogation to paragraph 1, contract staff may be engaged as of the 28 July 2004 in the Directorate-General for Translation and the Statistical Office of the European Communities.

For engagements in these services, paragraph 2 applies, by way of derogation, to staff under contract on 26 July 2004.<sup>21</sup>

*Article 13*  
*Local staff*

1. The regime of local staff shall continue to apply outside the European Union.
2. Contracts for local technical assistance staff may be concluded or extended, also beyond a duration of 5 years, but shall expire not later than 30 April 2006. Thereafter Delegations outside the European Union shall engage nationals of Member States and as far as technical assistance tasks previously performed under local technical assistance type contracts are concerned as contract staff only.

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<sup>18</sup> Article 12 paragraph 1 modified by article 1 paragraph 5 under (a) and (b) of the decision C(2005)5411 of 16.12.2005.

<sup>19</sup> Article 12 paragraph 1a inserted by article 1 paragraph 5 under (c) of the decision C(2005)5411 of 16.12.2005.

<sup>20</sup> Article 12 paragraph 1b inserted by article 1 paragraph 5 under (c) of decision C(2005)5411 of 16.12.2005.

<sup>21</sup> Article 12 paragraph 4 inserted by article 1 of the decision C(2004)2862 of 27.07.2004.

3. By way of derogation to paragraph 2 and where the interest of the service so requires, DG RELEX may extend in individual cases contracts for local technical assistance staff beyond 30 April 2006 up to 30 June 2006.<sup>22</sup>

#### *Article 14*

##### *Individual experts in Delegation premises outside the European Union*

1. The fixed-term contracts of individual experts for technical assistance (individual experts in Delegation premises) shall run until the date on which they expire.
2. New engagements or the renewal of the contracts of individual experts for technical assistance in Delegations may only take place for periods expiring not later than 30 April 2006. Thereafter Delegations outside the European Union shall engage nationals of Member States as contract staff only.

#### *Article 15*

##### *Entry into force*

These rules shall enter into force on ...<sup>23</sup>

Done at Brussels, ...

### **ANNEX I:<sup>24</sup> Probationary period – contract staff**

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<sup>22</sup> Article 13 paragraph 3 inserted by article 1 paragraph 6 of the decision C(2005)5411 of 16.12.2005.

<sup>23</sup> Decision of the Commission C(2004)1313 of 7 April 2004 entered into force on 1 May 2004 and amendments made by the following decisions:

- Decision of Commission C(2004)2862 of 27 July 2004 entered into force on 28 July 2004
- Decision of Commission C(2004)4952 of 17 December 2004 entered into force on 18 December 2004
- Decision of Commission C(2005)5411 of 16 December 2005 entered into force on 16 December 2005.

<sup>24</sup> Annex I added by Article 3 of the Commission decision C(2005)5411 of 16.12.2005 entered into force on 16.12.2005.



EUROPEAN COMMISSION – Probationary report – Contract staff

Personnel No:

**1. Report details**

**1.1. Period**

Probationary period: from  to

**1.2. Probation supervisor**

Name, first name:	<input type="text"/>
Personnel No:	<input type="text"/>
Position:	<input type="text"/>

**2. Personal details of probationer contract staff member**

**2.1. Personal details**

First name:	<input type="text"/>	Function Group + Grade:	<input type="text"/>
Name:	<input type="text"/>		<input type="text"/>
Administrative address:	<input type="text"/>		<input type="text"/>
Tel. :	<input type="text"/>		<input type="text"/>
Fax :	<input type="text"/>	Place of employment:	<input type="text"/>

**2.2. Employment record**

Administrative status	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Function Group + Grade	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
DG/Service & Unit	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Period of assignment (from ....to .....)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>



**3. Description of the tasks assigned**

**3.1. *Working environment***

Unit mission, unit structure. Where appropriate, indicate any factors which may have significantly affected the performance of the probationer contract staff member.

**3.2. *Nature of the tasks assigned to the member of the contract staff***

Initials of the probation supervisor and the probationer contract staff member

**4. Self-assessment**

To be completed within eight working days of the probation supervisor's request

**4.1. Achievement of objectives**

List your main achievements. If you faced difficulties, describe them and propose changes to improve the situation.

**4.2. Personal development**

Describe how well you demonstrated the competencies/aspects of conduct required. Did you demonstrate any other competencies in addition? Which competencies/aspects of conduct would you like to develop for your current and/or future jobs?

**5. Appraisal of the probationary period**

To be completed by the probation supervisor after the formal dialogue

**5.1. Efficiency**

**5.2. Abilities (competencies)**

**5.3. Aspects of conduct**

**5.4. Overall summary**

Please provide an overall summary of the appraisal of the probationary period. Mention any learning and development needs to be addressed over the months to come.

**5.5. Conclusions regarding the probationary period**

**5.5.1. Summary of the appraisal**

▶ Efficiency	Satisfactory <input type="checkbox"/>	Unsatisfactory <input type="checkbox"/>
▶ Competencies	Satisfactory <input type="checkbox"/>	Unsatisfactory <input type="checkbox"/>
▶ Conduct	Satisfactory <input type="checkbox"/>	Unsatisfactory <input type="checkbox"/>
▶ Is the probationer regularly required to work in a language other than his/her native language?	Yes <input type="checkbox"/>	NO <input type="checkbox"/>

**5.5.2. Breaks in service (length and reasons)**

**5.5.3. Any additional comments**

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**5.5.4. Recommendation**

▶ Retention in the function .....	<input type="checkbox"/>
▶ Probationary period to be continued, in another department .....	<input type="checkbox"/>
▶ Probationary period to be extended, in the same department .....	<input type="checkbox"/>
▶ Probationary period to be extended, in another department .....	<input type="checkbox"/>
▶ Dismissal before the end of the probationary period .....	<input type="checkbox"/>
▶ Dismissal at the end of the probationary period .....	<input type="checkbox"/>

**6. Final approval**

**6.1. Probation supervisor's signature**

Date of dialogue between the probation supervisor and the probationer contract staff member:	
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Signed by	
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Date	
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Please return the report to the probationer for comments within 10 working days following the formal dialogue.

**6.2. Probationer's signature**

You may enter in the section below any comments you wish to make about the appraisal of your probationary period.

**Additional comments**

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Signed by	
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Date	
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## **Additional annexes to the consolidated version: Recitals from the Commission decisions**

1. Commission decision C(2004)1313 of 7.04.2004

### **Commission Decision**

#### **General implementing provisions on the procedures governing the engagement and the use of contract staff at the Commission**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regards to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68<sup>25</sup>, and in particular Article 82(6) of the Conditions of Employment

Having regard to the consultation of the Staff Regulations Committee,

After consulting the Staff Committee

Whereas:

1. Contract agents should be selected through a transparent and objective procedure. A database to be built up by the EPSO should serve this purpose for the first phase of the selection procedure.
2. It should be examined whether it is possible to use the existing research sector database (ELSA) as a model for the new database to be set up for the selection of contract staff and to include candidates registered in ELSA in this new database.
3. The rules contained in these implementing provisions, and in particular those on selection procedures and grading, are without prejudice to Article 2 of Annex 2 to the Conditions of Employment of other servants (CEOS).
4. The grading of contract staff 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 staff.
5. Taking into account the provisions of Article 90 of the Conditions of Employment, these rules should not apply to conference interpreters engaged under contract as contract staff referred to in that article.

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<sup>25</sup> OJ L 56, 4 March 1968. Regulation as last amended by Council Regulation No 723/2004 of 22.03.2004.

6. Although these rules do not apply directly to executive agencies the management boards of these agencies should adopt implementing rules for contract staff based on the model of these rules.

HAS ADOPTED THE FOLLOWING PROVISIONS:

...



2. Commission decision C(2004)2862 of 27.07.2004

### **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**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regards to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68<sup>26</sup>, and in particular Article 82(6) of the Conditions of Employment

Having regard to the consultation of the Staff Regulations Committee,

After consulting the Staff Committee

Whereas:

1. The Commission has adopted on 7.04.2004 implementing rules for the new contract agent scheme introduced by the revised Staff Regulations enabling Commission Services other than Commission Offices and Representations in the new Member States to engage contract staff as of 1 November 2004;
2. The Directorate-General for Translation (DGT) and the Statistical Office of the European Communities (Eurostat) should however be enabled to have contract staff being engaged as of the day after adoption of this decision.

HAS DECIDED AS FOLLOWS:

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<sup>26</sup> OJ L 56, 4 March 1968. Regulation as last amended by Council Regulation No 723/2004 of 22.03.2004.

3. Commission decision C(2004)4952 of 17.12.2004

### **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**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regards to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68<sup>27</sup>, and in particular Article 82(6) of the Conditions of Employment

Having regard to the consultation of the Staff Regulations Committee,

After consulting the Staff Committee

Whereas:

1. On 7.04.2004 the Commission adopted implementing rules for the new contract agent scheme introduced by revised Staff Regulations.
2. Experience has shown that there should be a reduction of number of years of professional experience required 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.
3. Experience has shown that it should be possible to engage persons in function group II who have no secondary education diploma, but intermediate education, supplementary training and considerable professional experience.

HAS DECIDED AS FOLLOWS:

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<sup>27</sup> OJ L 56, 4 March 1968. Regulation as last amended by Council Regulation No 723/2004 of 22.03.2004.

4. Commission Decision C(2005)5411 of 16.12.2005

### **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 and the General implementing provisions on transitional measures applicable to the staff employed by the Office on Infrastructure of Brussels in "crèches" and "garderies" in Brussels**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regards to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68<sup>28</sup>, and in particular Article 82(6) of the Conditions of Employment

Having regard to the consultation of the Staff Regulations Committee,

After consulting the Staff Committee

Whereas:

1. The setting up of a database by EPSO in order to carry out transparent and objective selection procedures for contract agents has taken longer than initially planned.
2. The transitional rules for the selection and engagement of contract agents should therefore be amended in order to allow engagements and prolongations of contracts following simplified procedures for an extended period.
3. The transitional rules for staff of crèches and garderies in Brussels should be amended by adding one person who has fulfilled the conditions of engagement as contract agent under the Conditions of Employment of Other Servants since the adoption of transitional rules.
4. It is advisable to specify the detailed rules governing the drawing up of the probationary report on contract staff and the standard form to be used.

HAS DECIDED AS FOLLOWS:

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<sup>28</sup> OJ L 56, 4 March 1968. Regulation as last amended by Council Regulation No 723/2004 of 22.03.2004.