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TEMPORARY AGENTS FROM MS DIPLOMATIC SERVICES IN THE EEAS

BASIC PRINCIPLES

The European External Action Service is the European Union's diplomatic service, created to promote an EU-wide common foreign and security policy. To achieve this objective, and as stipulated in the Treaty on the European Union, the service brings together permanent EU officials with diplomats from Member States, via recruitment of diplomats from the Member States to serve in the EEAS as Temporary Agents.

Further, the EEAS was established as an autonomous EU body, which manages its staff as any other independent institution, and which has specific human resources needs. It requires a broad-ranging and specially formulated set of human resources policies – using the best practices of the diplomatic services of the Member States as a benchmark – which will enhance its ability to perform its functions.

A key part of this is the human resources policy governing the treatment of the Temporary Agents from the diplomatic services of the Member States. This population is unique in the context of the EU institutions: recruitment of Temporary Agents is not, as elsewhere, an exceptional measure, rather, Temporary Agents must constitute at least 33% and no more than 40% of the AD staff of the EEAS, and must be treated equally to EEAS officials. On the other hand, EEAS Temporary Agents work in the EEAS for fixed and finite terms, and must have a guarantee of re-instatement in their national diplomatic service at the end of their “posting” at the EEAS.

This paper sets up the basic principles regarding the management of Temporary Agents. In some cases, the policy has evolved since the creation of the EEAS based on the experience gained in the initial period of setting up the EEAS. There are a number of issues not covered, for instance, the determination by the Ministries of Foreign Affairs of which of their officials can take up posts within the EEAS (the EEAS will continue its current practice of accepting, in principle, the determination made by the Ministries of Foreign Affairs, particularly in the context of the crisis management structures), the holding of competitions internal to the EEAS, or the possibility for EEAS officials to serve a “posting” in the Foreign Ministry of one of the Member States.

1. Scope

Policy/principles

- **Member States diplomats** must constitute at least 1/3 and no more than 40% of the AD staff of the EEAS
- EEAS accepts officials put forward by a Member State with the support of their MFA and a guarantee of reinstatement - respecting the provisions of Council Decision 427/2010 (the EEAS Council Decision) and the CEOS.
- Selected diplomats will receive **Temporary Agent contracts under Article 2(e) of the CEOS**

These basic principles concern Temporary Agents coming from the diplomatic services and whose contracts come under Article 2(e) of the Conditions of Employment of Other Servants (CEOS). In general, the rules on Temporary Agents of the CEOS apply complemented by EEAS General Implementing Provisions (GIPs adopted by the HR. New GIPs are due to be adopted).

Article 27(3) of the TEU provides that the EEAS is to comprise, inter alia, “staff seconded from the national diplomatic services of the Member States”; similarly, Article 6(2) of the EEAS Council Decision refers to “personnel from the diplomatic services of the Member States.” This population of EEAS staff are commonly referred to as “Member State diplomats”.

There is, however, no shared definition of “diplomat” between the Member States, and different national administrations allow greater or lesser degrees of mobility between their different departments, including to and from the Ministry of Foreign Affairs. Equally, foreign and European affairs may be dealt with by, for instance, Prime Minister’s Offices, or specialist European Ministries.

Similarly, it is clear that the skills required in the EEAS go beyond those associated with a “diplomat” in the common use of the word; expertise is needed in, for instance, budgetary and administration matters and in security. The specific needs of the crisis management structures are highlighted in Article 4(3) of the EEAS Council Decision where it is noted that “the particularities of their functions, recruitment and the status of their staff shall be respected.” Expertise from, for instance, Ministries of Defence, will often be needed in this field.

The policy of the EEAS is, therefore, to accept applications from officials of a Member State so long as it is clear that the provisions of the EEAS Council Decision will be respected. The MFA letter of support for the application needs to make clear that the official will be seconded to the EEAS in the event of a successful application by or through the MFA to the EEAS, with a right of return there at the end of the contract.

Absent exceptional circumstances, it is not for the EEAS to second-guess the determination by a Member State of which of its officials it wishes to put forward to the EEAS, nor to question the route according to which, for instance, the secondment of a Ministry of Defence official will be made through the MFA to the EEAS.

2. Period of service

Policy/principles

- Temporary Agent contracts under Article 2(e) of the CEOS have a maximum duration of four years, renewable once for a further maximum period of four years and extendable in exceptional circumstances and in the interests of the service for a maximum of two years.

In principle, Temporary Agent contracts have a duration of four years, although contracts can be shorter where the specific posting has a more limited duration (for example some hardship

posts), when contracts start after 1 September or where the Temporary Agents would reach retirement age before the end of the 4 years (cf. Annex 1 for details).

All newly engaged Temporary Agents are required to complete successfully a nine months probationary period. A nine months management probationary period will also be required for any Temporary Agent assigned for the first time to a management post in the EEAS (cf. point 3).

The exact end date of a contract will normally be aligned with the rotation and mobility dates in the EEAS, irrespective of the starting date and within the overall limit of 4 years. Where, exceptionally, this is not the case, the administration may use the 2 years' extension period to align the contract to mobility/rotation dates in the interest of the service. This period may also be used, in the interest of service, to accept a Temporary Agent's request for a one year extension in their current post (e.g. staff in delegation may request in the year preceding their rotation year for a one year extension).

A contract may be renewed for a maximum period of 4 years if the EEAS, the Temporary Agent, and the relevant MFA agree (cf. point 4), and, as set out below, on the basis of participation in the annual EEAS rotation and/or mobility exercises. Temporary Agents will therefore be required to change post on renewal of contract (cf. point 5).

Moreover, extensions of a contract for an overall maximum period of two years may be granted at the end of the first or the second contract period in exceptional circumstances and only in the interests of the service.

Temporary Agents should in principle stay in the post to which they are assigned for the full duration of the contract.

However, sufficient flexibility will be maintained to allow a Temporary Agent to move from his or her post within the duration of the assignment according to the same rules as apply to officials (for example career progression or early rotation) or to allow the EEAS to reassign the Temporary Agent in the interests of the service. A move from HQ to a delegation or from one delegation to another or a move to a (new) management post will always entail a renewal of contract (and be subject to the continued support and guarantee of reinstatement of the home ministry), whereas a move to a new post in HQ or a move to a different post within the same delegation will normally be limited to the remaining contract period (and not require consultation of the home ministry).

3. Grading

Policy/principles

- Temporary Agents will be recruited in the specific grade indicated for "candidates from Member States" in the relevant vacancy notice
- While in service Temporary Agents are subject to the same rules as officials (EU staff members) as regards eligibility for a higher grade and can accede to the next higher grade by reclassification on their post in an annual reclassification

exercise or by selection to a post advertised for "EU staff members" in the next higher grade bracket

- The national services will be informed by the EEAS of TAs' reclassification

The EEAS advertises vacant posts to officials from all EU institutions and Member States diplomats. The vacant posts are published at a specific grade for candidates from Member States, but with a grade "bracket" for EU staff members (cf. Annex 2 for details). For posts at non-management level (e.g. policy/desk officer, head of section/sector), which belong to the grade bracket AD5-12, the EEAS applies a graduated approach to the grading for candidates from Member States (typically AD5, AD7, AD9 or AD11), taking into account the level of responsibility of the post and subject to the constraints of the establishment plan and the budgetary possibilities. A certain number of posts are published at entry level (AD5) and will of necessity remain in the establishment plan, and are in principle used to recruit entry level staff, whether from the diplomatic services of the Member States (in which case only limited professional experience would be expected), or from competitions for EU officials.

Temporary Agents will be recruited after applying to a particular vacancy notice or to a post in the annual rotation exercise (external publication) and successfully going through the relevant selection procedure. They will be recruited in the grade specified for that post for candidates from Member States.

As long as the Temporary Agent is working in the EEAS they shall have, as far as the different statuses allow it¹, the same rights and obligations as officials and be treated equally, including in terms of career progression. This means that they have to apply as and fulfil the eligibility criteria specified for "EEAS staff members" if applying for another post and cannot expect a higher grade (unless promotion to the next higher grade is foreseen for EEAS staff in the vacancy notice). Likewise, they will be eligible for promotion (through reclassification). The rules applicable to the promotion of officials are applied *mutatis mutandis* to Temporary Agents.

The EEAS will inform national services via their human resources departments of decisions on the reclassification of the respective Temporary Agents. It will be for the national MFA Human Resources Department to ensure that reclassifications are appropriately reflected in the domestic career path.

A Temporary Agent who has left the EEAS may return at a later stage in their career (cf. point 7 below). On return, the Temporary Agent shall again be subject to the grading rules for external recruitment of candidates from Member States (cf. Annex 2).

4. Renewal of contract

Policy/principles

- A meaningful presence of diplomats from each Member State should be ensured.

¹ An official has a vocation to a career, is engaged on a permanent basis and the Staff Regulation are applicable to him; a 2(e) Temporary Agent is a national diplomat seconded for a fixed term and CEOS provisions are applicable to him.

- A maximum number of Member State diplomats should have the opportunity to work in the EEAS during their career.
- Period of service is for the duration stipulated in the contract. Renewals/extensions can be granted (but are not automatic), provided they are in line with the EEAS rotation/mobility principles.
- Renewal consultation process to provide all parties with increased predictability, allowing them to plan well ahead of the contract expiry date for the Temporary Agents' return to their ministries or their second posting with the EEAS.

The overall vision for the policy governing Temporary Agents in the EEAS is that it should enable the creation of a genuine European diplomatic community, in which individuals with skills and experience can circulate between the diplomatic services of the Member States and the EEAS; a period of service with the EEAS should become a normal part of the career of a Member State diplomat. The principles set out below are designed to contribute to the achievement of this aim.

The principle agreed between the EEAS and Member States is that a significant number of diplomats should return to their home ministries after one posting. As a consequence the EEAS is tasked with achieving this, bearing in mind the need for a meaningful national presence across the whole Temporary Agent population and for making posts available for influx of new Temporary Agents.

For Temporary Agents in non-management positions, requests for a second contract term will be subject to a consultation process involving the Temporary Agents' home ministries (which will have to support a renewal) and the EEAS, who will discuss any differences of view and endeavour to achieve a consensus. The consultation process will take into account the Temporary Agent's performance, transferable skills and career perspectives on the one hand and the need to ensure a meaningful national presence across the whole Temporary Agent population and to make posts available for influx of new Temporary Agents on the other.

This consultation process will be carried out annually for the Temporary Agents whose contract will end the following year. The outcome will be known by the time the relevant rotation and mobility exercises are launched, so that it will be clear which Temporary Agents can participate in these exercises, and which should return to their ministries. At the conclusion of the rotation and mobility exercises, those Temporary Agents who will stay in the EEAS will have their contract renewed for the posting period of the new post (cf. point 2 above).

Temporary Agents who do not receive a guarantee of a contract renewal should use the advance notice to prepare for their reintegration into their home ministries. They will not be prohibited from applying for EEAS posts that are published externally, provided they have the support of their home ministry and fulfil the eligibility criteria for EEAS staff members. If they are successful in the selection procedure, their contract will be renewed.

Temporary Agents in management positions do not receive a guarantee of a contract renewal, because of the limited number of management posts available. However, they may apply for management posts published, including in the context of the rotation and mobility exercises, provided they have the support of their home ministry and fulfil the eligibility criteria for

EEAS staff members. If they are successful in the selection procedure, their contract will be renewed.

5. Rotation/Mobility

Policy/principles

- An assignment to a post is normally for 4 years
- TAs can apply for mobility (HQ) and rotation (Delegation) if they fulfil the criteria (same as for officials)

The EEAS organises an annual rotation exercise of posts in delegation to fill the posts that will become vacant the following year based on the known length of posting. This exercise is launched in the autumn and results known around the end of the year/first trimester of the following year. Subsequently, the EEAS organises the annual mobility exercise of posts at HQ to fill the posts that will become vacant as a result of the rotation exercise (HQ staff leaving for a delegation) or mobility of staff in HQ who have been on the same job for 4 or more years, and to reintegrate staff coming back from a delegation. As far as possible the mobility exercise will also be used to fill posts that become vacant for other reasons.

Temporary Agents are subject to the rotation and mobility policy in the same way as officials. If they are eligible, taking into account the rules on renewal and on period of service mentioned above, they may therefore apply for a limited number of posts in delegations in the first instance. If they do not apply or if they are unsuccessful, they must choose a priority list of posts at HQ in which they are interested from the list of posts at their level which are included in the mobility exercise that year, according to the principles of alternating between thematic and geographical areas; thereafter there will be a matching exercise to allocate each member of staff to a post.

Temporary Agents who participate in mobility will commit to accept the post to which they are matched, as would a permanent official.

Now that Member State diplomats represent at least one third of all EEAS staff at AD level, AD posts will increasingly be subject to selection procedures by way of “internal matching” in the context of the rotation and mobility exercises. A given number of posts (including all Head of Delegation posts) will be published each year in order to maintain the level of Member State diplomats.

The posts to be published each year will be determined in the interest of the service by the EEAS after consultation of the Consultative Committee on Appointments. The determination will be made according to a number of criteria, including the number of Temporary Agents leaving the EEAS, the balance between Temporary Agents at Headquarters and in the Delegations and across the grades, and the budgetary possibilities (taking into account imposed staff reductions).

6. Links with the national service and end of contract

Policy/principles

- TAs have a guarantee of reinstatement in their national service at the end of their contract period with the EEAS
- The national service will be informed of TAs' performance in the EEAS via appraisal reports

Member State diplomats engaged as Temporary Agents have a guarantee of re-instatement in their national service at the end of their period of service in the EEAS. Temporary Agents and their MFA will need to work together to ensure that re-instatement takes place under optimal conditions. This also includes cases where the contract period is terminated before its original end date for whatever reason.

The EEAS will send appraisal reports on Temporary Agents back to the national service via their respective human resources departments. It will be for the national MFA Human Resources Department to ensure that appropriate value is given to EEAS appraisals in the national system, as well as to the experience of being in the EEAS more generally: an EEAS “posting” needs to be seen as a positive addition to the career of a national diplomat.

Separately, the EEAS is also re-invigorating the Diplomatic Exchange and Secondment Programme, which will allow EEAS officials to spend a period of time in the diplomatic service of a Member State. This is a separate exercise, but serves the purpose of enhancing the links with national diplomatic services.

7. Return to the EEAS after a period of service in the national service

Policy/principles

- TAs may return to the EEAS after a minimum of 3 years back in their national service – the maximum contractual term of ten years will re-start
- If, exceptionally, a TA returns earlier than that, the maximum contractual term of ten years will not re-start
- TAs returning to the EEAS after an interruption will be subject to the eligibility and grading rules for "candidates from Member States"

Some national diplomats who spend a period of time in the EEAS and then return to their national service will, at a later point in their career, apply for another job in the EEAS (cf. also point 3 on grading).

In order to provide the most flexibility, both for the EEAS and for the national diplomats concerned, in principle, the maximum contractual term of ten years should re-start when a diplomat returns to take up the new EEAS post.

However, in order to reset the overall contractual term, a minimum period of three years back in the national service is required, so as to ensure that links between the MFAs and their Temporary Agents can be maintained.

Exceptionally, the Temporary Agent may come back earlier. In such cases, the overall ten-year contractual term with the EEAS will not be reset.

Contract duration

Post details	Contract start	Contract end	Contract duration
4-year posting or HQ post	01/09-16/12 year <i>n</i>	31/08 year <i>n+4</i>	Max. 4 years/ Min. 3 years, 8.5 mths
4-year posting or HQ post	01/01-16/06 year <i>n</i>	31/08 year <i>n+3</i>	Max. 3 years, 8 mths / <u>Min. 3 years, 2.5 mths</u> Possible decision in year <i>n+2</i> to extend so as to align to 31/8 year <i>n+4</i> if considered in interest of the service*
4-year posting or HQ post	01/07-16/08 year <i>n</i>	Start date + 4 years	<u>4 years exactly</u> Possible decision in year <i>n+3</i> to extend so as to align to 31/8 year <i>n+4</i> if considered in interest of the service*
3-year posting	Year <i>n</i>	31/08 year <i>n+3</i>	Max. 3 years, 8 mths/ Min. 2 years, 8.5 mths
2-year posting	Year <i>n</i>	31/08 year <i>n+2</i>	Max. 2 years, 8 mths/ Min. 1 years, 8.5 mths
Other limited duration	Year <i>n</i>	Exact date foreseen in duration of contract	

* Extension period will be discounted from the overall maximum two years for exceptional circumstances.

Publication level and requirements

Temporary Agents in the administrators' function group shall be engaged at the following grades depending on the level of publication and shall be required to have the following experience:

Publication level (for EU staff members)	Publication level (Candidates from the Member States)	Professional experience*	Experience working in a diplomatic service of a Member State	Management experience
Administrator posts: (e.g. policy/political officer, desk officer, head of section/sector, deputy head of division)				
AD05-12	AD05	≥ 1 year	≥ 1 year	n/a
AD05-12	AD07	≥ 6 years	≥ 2 years	n/a
AD05-12	AD09	≥ 10 years	≥ 3 years	n/a
AD05-12	AD11	≥ 11 years	≥ 3 years	n/a
Middle management posts: (e.g. Head of Division, Deputy Head of Delegation, Head of Delegation **)				
AD09-14	AD12	≥ 12 years	≥ 3 years	≥ 2 years
AD13-14	AD13	≥ 15 years	≥ 3 years	≥ 4 years
Senior management posts: (e.g. Head of Delegation, Director, Managing Director **)				
AD14-15	AD14	≥ 15 years	≥ 4 years	≥ 5 years at senior level
AD15-16	AD15	≥ 15 years	≥ 4 years	≥ 5 years at senior level

* This experience must have been gained after completing university studies of 4 years, or of 3 years plus one extra year relevant professional experience.

** Other types of posts may be published in the same grades, but with no management responsibility, in which case no management experience is required.