

EUROPEAN EXTERNAL ACTION SERVICE



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**Decision of the High Representative of the Union for Foreign Affairs  
and Security Policy**

**of 12/08/2015**

**adopting general provisions implementing Article 12(5) of the Conditions  
of Employment of Other Servants of the European Union on the  
engagement and use of temporary agents**

**EUROPEAN EXTERNAL ACTION SERVICE**

**Decision of the High Representative of the Union for Foreign Affairs and Security Policy**

**adopting general provisions implementing Article 12(5) of the Conditions of Employment of Other Servants of the European Union**

**on the engagement and use of temporary agents**

Having regard to the Staff Regulations and the Conditions of Employment of Other Servants of the European Communities (CEOS), laid down by Council Regulation (EEC, EURATOM, ECSC) N° 259/68 <sup>(1)</sup>;

Having regard to Council Decision 2010/427/EU of 26 July 2010 on the establishment and the functioning of the European External Action Service, and in particular Article 6 paragraphs 2, 5, 7 and 11 thereof;

Whereas:

- (1) In accordance with Council Decision 2010/427/EU the EEAS shall comprise officials and other servants of the European Union, including personnel from the diplomatic services of the Member States appointed as temporary agents. Such personnel shall be engaged as temporary agents under Article 2(e) of the CEOS.
- (2) The EEAS may also engage temporary staff under Articles 2(a), (b) or (c) of the CEOS;
- (3) The Commission Decision C(2013)9049 of 16 December 2013 on policies for the engagement and use of temporary agents, which was adopted by the EEAS by Decision EEAS DEC(2014) 009 of 13/02/2014 of the Chief Operating Officer of the European Action Service amending the Annex to the Decision of the Chief Operating Officer PROC HR(2011) 002 of 29 November 2011, "To extend the application of certain Commission Rules developing the provisions of the Staff Regulations and the Conditions of Employment of Other Servants, to the EEAS", does not cover temporary agents of type 2(e) of the CEOS;
- (4) For reasons of clarity and legal certainty, the High Representative of the Union for Foreign Affairs and Security Policy should adopt its own decision as regards the engagement and use of temporary agents by the EEAS,

After consulting the Staff Committee;

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<sup>1</sup> OJ L 56 of 4.3.1968, last amended by Regulation N° 1023/2013 of the European Parliament and of the Council of 22 October 2013.

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HAS DECIDED AS FOLLOWS:

## *Article 1*

### *Scope*

This Decision applies to temporary agents engaged by the European External Action Service (EEAS), to work either in its headquarters, delegations or offices.

## *Article 2*

### *Types of temporary staff*

1. The EEAS shall engage staff seconded from national diplomatic services of the Member States to fill temporarily a permanent post in the EEAS under Article 2(e) of the CEOS. The total of such temporary agents should represent at least one third of all EEAS staff at AD level while permanent officials should represent at least 60% of all EEAS staff at AD level;
2. The EEAS may also engage temporary staff:
  - a) for posts that are classified as temporary in the establishment plan and that are of a specialised nature requiring such knowledge and experience, or should be to meet temporary needs in accordance with Article 2(a) of the CEOS;
  - b) to fill temporarily a permanent post under Article 2(b) of the CEOS;
  - c) to assist a person holding an office provided for in the Treaty on European Union or the Treaty on Functioning of the European Union under Article 2(c) of the CEOS including for the purpose of assistance in the context of specific international events.

## *Article 3*

### *Job profile and publication*

1. Temporary staff to be engaged in accordance with Article 2(e) of the CEOS shall be engaged following a publication open in parallel to EU officials.

The vacancy notice, approved by the department responsible for human resources, shall lay down the requirements in terms of education, professional and diplomatic experience and linguistic knowledge and shall specify the grade at which successful candidates from Member States will be engaged. The vacancy notice shall be transmitted to the Permanent Representations of the Member States.

2. Temporary staff to be engaged in accordance with Article 2(a) of the CEOS shall be engaged following the publication of a vacancy notice/job profile approved by the department responsible for human resources. This profile shall lay down the requirements in terms of education and/or professional training, professional experience and linguistic knowledge and shall specify the grade at which the successful candidate will be engaged. The department responsible for human resources shall subsequently publish or distribute the vacancy notice as widely as deemed necessary to ensure a sufficient number of candidates.

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3. Recourse to temporary staff engaged in accordance with Article 2(b) of the CEOS may only be approved after an unsuccessful publication of the post pursuant to Articles 4 and 29 of the Staff Regulations. Moreover, one of the following conditions has to be met:

(a) Reserve lists of successful candidates of internal or external competitions are not available or are insufficient.

Candidates for such engagements shall, wherever possible, be drawn from existing data-bases of spontaneous applications. The department responsible for human resources may organise such additional publicity as it considers appropriate. Candidates engaged must at all times meet the conditions of the vacancy to be filled.

(b) There is a need for the engagement of a specialist and no temporary post is available and the organisation of an external competition for the occupation of a single post, or of a small number of posts, cannot be justified.

(c) There is a temporary staffing need.

In the cases referred to in paragraph 3(b) and (c), the vacancy notice/job profile to be established shall be based on the initial vacancy notice published in accordance with Articles 4 and 29 of the Staff Regulations. The department responsible for human resources shall publish or distribute the vacancy notice/job profile as widely as deemed necessary to ensure a sufficient number of candidates.

### *Article 4 Selection procedures*

1. The selection procedures for engaging temporary staff under Article 2(a), (b) or (e) of the CEOS shall correspond to those which apply for selection of officials to the same types of post, including the use of the Consultative Committee for Appointments for selection of Heads of Delegation and senior managers.
2. There are no specific requirements for the selection procedures for engagement of temporary staff under Article 2(c) of the CEOS.

### *Article 5 Grading*

1. Temporary staff under Article 2(e) of the CEOS shall be engaged in the administrators' function group in the grade specified in the relevant vacancy notice. The grade shall be determined by the department responsible for human resources at the time of publication on the basis of the level of responsibility of the job and the budgetary availabilities.
2. Temporary staff engaged under Article 2(a) for specialised functions shall be graded at the level of AD 8 or AST 4.
3. Temporary staff engaged under Article 2(a) for temporary needs and temporary staff engaged under Article 2(b) shall generally be engaged at the lowest grade of the function needed.

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4. The grade at which temporary staff pursuant to Article 2(c) is engaged shall be determined by the specific decisions allowing for such recruitments.

### *Article 6 Appraisal*

Temporary staff as defined in Article 2 of this decision is subject to an annual appraisal exercise regarding their efficiency, ability and conduct in the service.

The rules for the annual appraisal of officials are applicable as well to temporary staff.

### *Article 7 Reclassification*

The rules applicable for the promotion of officials are applied mutatis mutandis to Temporary Agents (through reclassification).

The third language requirement as provided for in article 2 of the decision governing the promotion of officials is not applicable to Temporary Agents under Article 2(e) of the CEOS.

### *Article 8 Duration of contracts*

1. Temporary Agents under Article 2(e) of the CEOS will be engaged for a maximum period of four years. Contracts may be renewed for a maximum period of four years. Their engagement should not exceed eight years in total. In exceptional circumstances and in the interest of the service the contract may be extended for a maximum period of two years. Such extension of a contract may be granted at the end of the first or the second contract period in exceptional circumstances and only in the interest of the service.

Contract renewal for a maximum period of four years for a second posting requires the support of the Temporary Agent's home ministry and will be on the basis of participation in the EEAS rotation or mobility exercise or if the Temporary Agent has been successful in a selection procedure for a new post. Temporary Agents will therefore be required to change post in order to have a renewal of contract.

2. Temporary staff under Article 2(a) of the CEOS shall receive an initial contract for a period of up to four years with the possibility of one extension of a maximum of two years. Where applicable, the total length of the contract shall be for the duration of the task for the completion of which the agent has been engaged, but subject to these same limits.
3. Temporary staff under Article 2(b) of the CEOS will be engaged for a maximum period of four years but the contract may be limited to any shorter duration. The contract may be renewed once for a maximum period of two years if the possibility of renewal is provided for in the initial contract and within the limits provided for in that contract.

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4. Temporary staff under Article 2(c) will receive a contract of indefinite duration. If their contract is terminated, former members of temporary staff pursuant to Article 2(c) of the CEOS may be engaged to fill temporarily a permanent post provided that they pass the relevant selection procedures for that type of post and contract.
5. A contract can be terminated for any of the reasons under Articles 47-50a of the CEOS.
6. Furthermore, a temporary agent and the EEAS may decide by common agreement to end a contract for a fixed period before its end date, including in cases where a temporary agent of type 2(e) is recalled to his/her ministry. In these cases, for the purposes of Article 47, this shall not give rise to compensation payment for the remaining contract period.
7. Early termination of the contract is also possible if for any reason it is not possible for the Temporary Agent to stay in the post to which he is assigned and the Authority Authorised to Conclude Contracts does not have an available post corresponding to the skills and profile of the Temporary Agents, either in a delegation or in Headquarters.

### *Article 9 Final provisions*

1. Article 1 (b) eighth indent of Decision EEAS DEC(2014) 009 of 13/02/2014 of the Chief Operating Officer of the European Action Service amending the Annex to the Decision of the Chief Operating Officer PROC HR(2011) 002 of 29 November 2011, "To extend the application of certain Commission Rules developing the provisions of the Staff Regulations and the Conditions of Employment of Other Servants, to the EEAS" is hereby repealed.
2. The present decision shall enter into force on the date of its signature.

Done at Brussels, [...] 12 August 2015 .

[...]

