

DECISION OF THE MANAGEMENT BOARD OF EUROPOL

Laying down rules on the procedures governing the engagement and the use of contract staff at Europol

THE MANAGEMENT BOARD of EUROPOL,

Having regard to the Council Decision establishing the European Police Office (hereinafter "Europol") of 06 April 2009 based on Article 30(1)(b), Article 30(2) and Article 34(2)(c) of the Treaty on European Union, (hereinafter the "Europol Decision")¹, and in particular Article 37(9)(d), Article 39 and Article 57 thereof,

Having regard to the Staff Regulations of Officials of the European Communities (hereinafter the "Staff Regulations") and the Conditions of Employment of Other Servants of the European Communities (hereinafter the "Conditions of employment"), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68 and the amendments thereto, and in particular Articles 3a, 82(6) and 87 of the Conditions of employment,

Having regard to the Management Board rules of procedure,

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

Whereas:

- (1) Detailed rules on the employment of contract staff are desirable and contract agents should be selected through a transparent and objective procedure.
- (2) The rules contained in these implementing provisions, and in particular those on selection procedures, probationary period, duration of contracts and grading, are without prejudice to the General Implementing Provisions of 17/11/2009 on the Internal Selection Process of Article 57 of the Europol Decision.
- (3) The grading of contract staff in function groups should be made in accordance with the relevant provision of the Staff Regulations and Conditions of employment and 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.

¹ OJ L 121, 15.05.2009, p.37-64.

- (4) Europol may only recruit contract staff under Article 3a of the Conditions of employment.
- (5) Europol, when concluding contracts, takes full account of the opinion of the Management Board setting the maximum duration of employment under fixed-term contracts to a total of nine years, as expressed at its meeting on 3/4 December 2008.

HAS ADOPTED THE FOLLOWING PROVISIONS:

SECTION 1
General provisions

Article 1
Scope

These rules shall apply to contract staff referred to in Article 3a (hereinafter the "CA3a") of the Conditions of employment engaged by Europol.

Any reference in these rules to a person of the male sex shall be deemed also to constitute a reference to the female sex, and vice-versa, unless the context clearly indicates otherwise.

Article 2
Minimum qualifications required

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:
 - a level of post-secondary education attested by a diploma, or
 - a level of secondary education attested by a diploma giving access to post-secondary education and appropriate professional experience of three years. The secondary education diploma giving access to post-secondary education may be replaced by a certificate of adequate professional training of not less than three years on condition that there was no similar professional training giving access to higher education at the time it was issued or,
 - successful completion of intermediate education plus two years relevant supplementary specialised training plus five years' appropriate professional experience.
 - (c) in function group III:
 - a level of post-secondary education attested by a diploma, or

- a level of secondary education attested by a diploma giving access to post-secondary education and appropriate professional experience of three years;
 - where justified in the interest of service, professional training or professional experience of an equivalent level.
- (d) in function group IV:
- a level of education which corresponds to completed university studies of at least three years attested by a diploma, or
 - where justified in the interest of service, professional training of an equivalent level.
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*

Where a member of the contract staff has to serve a probationary period in accordance with Article 84 of the CEOS, the report referred to in that article shall be established by applying the Europol decision laying down general provisions for implementing Article 43 of the Staff Regulations by analogy.

*Article 4
Succession of contracts*

1. The authority referred to in Article 6 of the Conditions of employment (hereinafter the Contracting Authority) may engage as CA3a persons employed in an institution as contract staff under Article 3b of the Conditions of employment only after the latter contract has expired or been terminated.
2. In this case, the contract agent CA3a must comply with the conditions set out in the Conditions of employment and in these provisions, in particular the conditions concerning the qualifications required, and have undergone a selection procedure as laid down under Article 5 or an equivalent selection procedure undertaken by another Community institution or agency followed by an interview carried out under the provisions of Article 5(1)(c).

*Article 5
Selection procedure*

Europol may recruit contract staff CA3a by using one of the selection procedures indicated below:

1. Selection procedure using the European Communities Personnel Selection Office (EPSO) database:
 - (a) Europol may recruit contract staff CA3a by using EPSO's database. Candidates validated in the above-mentioned database are the ones that have successfully completed the selection procedure organised by EPSO according to Art. 5(1)(g) of the Commission Decision of 7 April 2004 C(2004)1313, as subsequently amended, on the procedures governing the engagement and the use of contract staff.

(b) The Selection Committee, set up by Europol, shall consist of three members: one member from the human resources unit of Europol, one member from the relevant unit/department and one person designated by the Staff Committee. The member of the human resources or the member from the relevant unit/department shall act as chairman.

(c) The Selection Committee shall invite for interview those candidates who are considered to be the most suitable ones, on the basis of the job description, from among the list of applicants already validated by EPSO. Minutes of Committee meetings shall be drawn up setting out the reasons for any decision taken.

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

2. Selection procedure carried out by Europol:

(a) Europol shall launch the recruitment procedure by advertising vacancy notices specifying the criteria concerning general and specific competencies and key qualifications required.

(b) The Selection Committee referred to in Article 5(1)(b) shall evaluate applications and shortlist those matching best the profile and qualifications required as per vacancy notice.

(c) Europol shall organise written tests for the shortlisted applicants on the basis of the job description as stated in the vacancy notice. The written tests shall be drafted in accordance with the level and profile of the position advertised. The written tests shall consist of the following components:

- general aptitude and language abilities to the extent necessary for the performance of the duties pertaining to the post to be filled,
- knowledge of European integration and the institutions
- specific competencies with reference to the job profile.

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

(d) The Selection Committee shall invite for interview the shortlisted applicants as per point (c). The interviews can be held on the same day as the written tests. Any decision concerning the applicants shall be recorded in writing, setting out the reasons for any decision taken.

(e) Europol shall draw up a list of successful candidates on the basis of the above mentioned selection procedure. This list will be valid up to 12 months from its date of establishment. Its validity period may be extended once by decision of the Contracting Authority for up to 12 months.

(f) Candidates shall be informed of the outcome of the selection procedure and of whether they have been placed on the list of successful candidates.

3. In accordance with Article 82(5) of the Conditions of employment, EPSO shall, at the request of Europol, provide assistance to the selection procedure as mentioned in paragraph 2 with a view to the selection of contract staff, in particular by:

- advertising Europol vacancies on its website,
- giving Europol access to use the list established by EPSO of candidates identified on the basis of the evaluation referred to in Article 5(1)(e) of the Commission Decision of 7 April 2004 C(2004) 1313, as subsequently amended, on the procedure governing the engagement and the use of

contract staff followed by the selection procedure indicated in paragraphs (2)(c) and (2)(d) above,

- providing and/or organising written tests for Europol's selection procedures.

4. Where the interest of the service so requires and where no suitable candidates are available from the EPSO database, the human resources unit, at the request of the unit/department concerned, may grant an exemption from the procedure of paragraphs 1 and 2 above for the recruitment of a member of the contract staff in function group IV. In this specific case, written tests are not mandatory.
5. Where there is no current list of successful candidates or where no candidate on such a list meets the requirements for a particular vacancy and should the engagement of a member of the contract staff for replacement purposes be required either very quickly or for a short-term replacement, the following procedure shall apply:
 - (a) Europol shall launch the recruitment procedure by advertising vacancy notices on its website for at least two weeks and in a local newspaper if so desired, and by specifying the criteria concerning general and specific competencies and key qualifications required.
 - (b) A Selection Committee set up in accordance with Article 5(1)(b), shall evaluate the applications and shortlisted those matching best the profile and qualifications required as per vacancy notice.
 - (c) The Selection Committee shall invite for interview the shortlisted applicants on the basis of the job profile as stated in the vacancy notice. The interview shall cover an analysis of the language abilities and of the personal and professional competences of each applicant. On the basis of the results of the interviews the Selection Committee will make its decision in writing by setting out the reasons for any decision taken. For function groups I and II, practical tests on general aptitudes/skills such as typing are to be organised.
 - (d) Candidates shall be informed of the outcome of the interview.
 - (e) Contracts concluded following the procedure of this paragraph for a quick replacement shall not exceed six months. Contracts concluded for a short-term replacement are limited to the maximum replacement duration caused by the single leave covered by Articles 42, 42a, 42b and Title IV (*working conditions*) of the Staff Regulations. Both types of contracts may only be renewed for another fixed term or for an indefinite duration if the CA3a has passed a selection procedure pursuant to paragraphs 1, 2 or 3 of the present Article.

Article 6 *Duration of contracts*

1. CA3a 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 another fixed period of at least three months and not more than five years. A second renewal without interruption leading to an indefinite-duration contract may only be granted if the first two contracts covered a total period of at least three years.
3. The first three renewals of the contract in function group I shall be for fixed periods of at least three months and not more than five years, the fourth renewal, in

accordance with Article 85(2) of the Conditions of employment, shall be for an indefinite period. However,

- where a total duration of ten years of service will 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 leading to an indefinite-duration contract may only be granted if the first four contracts covered a total period of at least three years.
4. In order to be taken into consideration with a view to the award of an indefinite duration contract the contracts concerned must follow each other uninterruptedly. A gap of six months or more between two contracts shall be regarded as an interruption.
 5. Contracts of indefinite duration may only be awarded after having obtained the consent of the Management Board of Europol in accordance with Article 39(4) of the Europol decision.
 6. A former CA3a staff member shall not be eligible to apply to a new CA3a vacant post at Europol unless a period of at least six months of absence has elapsed between the expiry date of the last CA3a contract and the entry into force of the new contract.

Any new CA3a contract entered into by Europol with a former contract agent after a six-month period of absence has taken place in accordance with this Article shall be deemed to constitute a first contract of employment for the purpose of implementing Article 85 of the Conditions of employment.

Article 7
Grading of CA3a

1. CA3a shall be engaged:
 - (a) in function group I:
 - in grade 1;
 - (b) in function group II:
 - in grade 4 if the person has professional experience of up to seven years;
 - in grade 5 if the person has professional experience of more than seven years;
 - (c) in function group III:
 - in grade 8 if the person has professional experience of up to seven years;
 - in grade 9 if the person has professional experience of more than seven years;
 - in grade 10 if the person has professional experience of more than fifteen years;

(d) in function group IV:

- in grade 13 if the person has professional experience of up to seven years;
- in grade 14 if the person has professional experience of more than seven years;
- in grade 16 if the person has professional experience of more than twenty years.

2. The Contracting Authority may decide to grant the grade immediately above the one determined in paragraph 1 if the function to be filled corresponds to a competency profile where due to the labour market conditions this measure is necessary to ensure a sufficient number and quality of applications. These profiles shall be determined by decision of the Contracting Authority and communicated to the units/services.
3. In order to be taken into account, professional experience must have been acquired in an activity corresponding at least to the level of qualification required for the access to the function group and having a link with one of the institution's sectors of activity. It shall be taken into account from the date on which the person fulfils the minimum qualifications for engagement set out in Article 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.

7. No period may be counted more than once.
8. Where CA3a 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 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.

SECTION 2

Transitional and final provisions

Article 8

Possibility of engaging staff during the transition period

By way of derogation from Article 1 of these rules, CA3a contracts concluded pursuant to the transitional provisions of Article 57 of the Europol Decisions shall be entered into in accordance with the General Implementing Provisions of 17/11/2009 on the Internal Selection Process of Article 57 Europol Decision.

Article 9

Entry into force

These rules shall enter into force on the date following that of their adoption.

Done at The Hague on 13/10/2010

Signed by Mr Francisco José Aranda

For the Management Board

The Chairperson