

General implementing provisions on the procedures governing the engagement and the use of contract staff at EIOPA

The Management Board of EIOPA

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities (hereafter CEOS), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68 last amended by Council Regulation (EC, EURATOM) No 1558/2007 of 17 December 2007, and in particular to Article 82(6) of the Conditions of Employment,

Having regard to Council Regulation n° 1094/2010 creating European Insurance and Occupational Pensions Authority (EIOPA), and in particular Article 68 thereof.

Having regard to the Rules of Procedure of EIOPA and in particular 3 thereto, whereas:

- (1) The Staff Committee of EIOPA which is to be consulted pursuant to Article 110 SR has not yet been constituted and it is therefore impossible to comply with the requirements of that provision. The Staff Committee will be invited to give its opinion on the relevant implementing rules when it has been constituted and due consideration will be given to any such opinion. The Management Board is entitled in such circumstances to adopt the rules immediately,
- (2) Detailed rules on the employment of contract staff are desirable and contract agents should be selected by a transparent and objective procedure.
- (3) The rules contained in these implementing provisions, and in particular those on selection procedures and grading, are without prejudice to Article 2 of the Annex to the 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) The agency may only recruit contract staff under Article 3a of the CEOS

Has decided as follows:

Article 1- Scope

These rules shall apply to contract staff referred to in Article 3(a) (hereafter "contract agents") of the CEOS engaged in EIOPA.

Article 2 - Conditions of Engagement

In EIOPA, Article 82(2) of the CEOS 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 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 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 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.

Article 3 - Probationary Period

A member of contract staff shall serve a probationary period. The probationary period for contract staff in function group I shall be 6 months. The probationary period for contract staff in function group II to IV shall be 9 months. 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 EIOPA decision on the general implementing provisions for implementing Article 43 of the Staff Regulations by analogy.

Article 4 - Selection Procedure

EIOPA may recruit contract agents by using, alternatively, one or more of the selection procedures indicated below:

1. Selection procedure using the European Communities Personnel Selection Office (EPSO) database

- (a)** EIOPA may recruit contract agents by using EPSO's database. Candidates validated in the above-mentioned database are the ones that have successfully completed the selection procedure organized by EPSO according to Art. 5(1)(g) of the Commission Decision of 7 April 2004 C(2004)1313 on the procedures governing the engagement and the use of contract staff.
- (b)** The Selection Committee consists of at least three members, of which one member responsible for human resources and one responsible for the relevant operational unit and one member designated by the Staff Committee. The member responsible for human resources or the member responsible for the relevant operational unit shall act as chairman.
- (c)** The Selection Committee shall invite for interview the candidates who are considered to be the most suitable ones, 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 EIOPA

- (a)** EIOPA 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 (which shall be constituted as set out in Article 4(1)(b)) shall evaluate applications and select those candidates, who are meeting the eligibility criteria and are considered to be the most suitable.
- (c)** The Selection Committee shall invite for interview the candidates who are considered to be the most suitable ones. Minutes of Committee meetings shall be drawn up setting out the reasons for any decision taken.

(d) The recruitment process shall include a written test and a panel interview and may include a pre-screening exercise or phone interview, , a presentation, and a bilateral interview, the content of which shall be defined in accordance with the level and the profile of the vacancy. The recruitment process shall cover at least the following points:

- general aptitudes and language abilities to the extent necessary for the performance of their duties,
- knowledge of European integration and the institutions,
- specific competencies with reference to their profiles.

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

(e) A derogation from the requirement for written tests can be granted for a selection procedure by decision of the Director in exceptional circumstances which need to be duly justified and documented.

(f) The Selection Committee shall invite for interview the selected applicants as per point (d). The interviews can be held at the same day as the written tests take place.

(g) ESA 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 the date of the establishment of the list and may be extended by decision of the Contracting Authority.

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

3. Selection procedure in collaboration with EPSO

In accordance with Article 82 (5) of the CEOS, EPSO shall, at the request of EIOPA, provide assistance to the selection procedure as mentioned in paragraph 2 to with a view to the selection of contract agents, in particular by:

- advertising on its Website vacancy notices of EIOPA,
- giving EIOPA 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 on the procedure governing the engagement and the use of contract staff followed by the selection procedure indicated in (2) (c) and (d) above,
- providing and/or organising written tests for EIOPA selection procedure.

4. Selection of contract agents for short period of time

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 procedure described in the EIOPA Decision on Temporary Agents (Article 4) shall apply.

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 a maximum duration linked 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 candidate has passed a selection procedure pursuant to paragraph 1, 2 or 3 of the present article.

Article 5- Grading Of Contract Agents

1. Contract agents 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. EIOPA 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.
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 as professional experience, 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.
7. No period may be counted more than once.
8. Where CAs 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 CEOS 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.

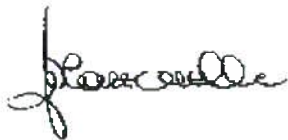
Article 6 - Duration of Contracts

1. The contract agent 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 four years.
3. Contracts in function group I can be renewed up to three times for fixed periods of at least three months and with a maximum of five years. The fourth renewal, in accordance with Article 85(2) of the CEOS, 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 CEOS;
 - a fourth renewal without interruption may only be granted if the first four contracts covered a total period of at least [three/five] years.
4. A gap of six months or more between two contracts shall be regarded as an interruption.

Article 7- Entry into force

This decision shall take effect on the day following that of its adoption.

Done at Frankfurt am Main, on 10 January 2011



Flavia Mazzearella

Chairperson of the Management Board Meeting on 10 January 2011

For the Management Board