



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.6.2003
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2003/0123 (CNS)

Proposal for a

Council Regulation

introducing, on the occasion of the accession of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, special temporary measures for recruitment of officials of the European Communities

(presented by the Commission)

EXPLANATORY MEMORANDUM

The forthcoming enlargement of the European Union poses many challenges for the Institutions, not least in the field of human resources management. The attached draft Regulation is concerned with the recruitment aspect of enlargement.

In previous enlargements specific measures were adopted to recruit nationals of the countries that were joining the Union. This required a Council Regulation temporarily derogating from the relevant provisions of the Staff Regulations¹ concerning recruitment.

The current enlargement process is the largest that the Union has ever undertaken. There is the possibility that on 1 May 2004 up to ten new member states may join the Union.

The sheer size of this enlargement distinguishes it from previous enlargements. This leads to several novel features in the attached draft Regulation compared to previous similar regulations. The main features of the proposal are:

1. The derogation from the Staff Regulations is proposed to last until 31 December 2010, longer than in previous enlargements. For the enlargement involving Austria, Finland and Sweden the derogation covered five years. Experience with this enlargement showed that five years was not in fact long enough as a transition period, hence seven years are proposed in this case.
2. The Regulation foresees the organisation of competitions for the selection of officials from the new Member States on a national basis. Nationals of the current Member States will be excluded from such competitions.
3. Competitions exclusively for nationals of the new Member States may be held, and lists of successful candidates drawn up, before the accession of these countries to the Union. A country must have joined the Union before its nationals may be appointed as officials to a post with the Institutions.
4. There is a possibility for Institutions to derogate from the requirement to advertise vacant posts within the Institutions. The Institutions may, however, give publicity to vacant posts if they so wish.
5. The transition period set out in 1. above is seven years. Over this period it will also be necessary to replace departing officials from the existing Member States. The Regulation therefore also provides for the possibility of organising competitions for the selection of nationals from the current 15 Member States during the transition period. Nationals of the future Member States would be excluded from such competitions.

Each Institution will determine the number of officials from the candidate countries to be recruited under the provisions of this derogation Regulation.

¹ For the case of Austria, Finland and Sweden, see OJ L 66, 24.03.1995, p. 1.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 283 thereof,

Having regard to the proposal from the Commission, submitted after consultation of the Staff Regulations Committee,

Having regard to the opinion of the European Parliament²,

Having regard to the opinion of the Court of Justice³,

Having regard to the opinion of the Court of Auditors⁴,

- (1) Whereas: On the occasion of the forthcoming accession of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia special temporary measures should be adopted that depart from the Staff Regulations of Officials of the European Communities.
- (2) Given the number of countries acceding and the number of persons potentially involved these albeit temporary measures must be in force for a substantial period. 31 December 2010 appears to be the most suitable expiry date for them.
- (3) Given the exceptional nature of the situation it should also be possible, if the need arises during that period, to organise general competitions reserved to nationals of the fifteen current Member states in order to ensure respect for the principle, stated in Article 27 of the Staff Regulations, that officials are to be recruited on the broadest possible geographical basis.
- (4) Given the exceptional size of the impending accession, this Regulation should be adopted before the scheduled accession date so that all the necessary preparatory work can be done to enable the planned recruitments to take place as soon as possible after accession,

² OJ C ..., p. ...

³ Given on ...

⁴ Given on ...

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding the provisions of the second and third paragraphs of Article 4, Article 7(1), the third paragraph of Article 27 and points (a), (b) and (c) in Article 29(1) of the Staff Regulations of Officials of the European Communities ("Staff Regulations" below), until 31 December 2010 vacant posts may be filled, within the limit of the number allotted, if appropriate taking into account the budgetary deliberations, by appointment, after the date of accession of these countries concerned, of nationals of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.
2. Appointments to posts shall be made:
 - 2.1. for all grades, after the accession of the countries concerned;
 - 2.2. except for grades A1 and A2, following competitions on the basis of both qualifications and tests organised as specified in Annex III to the Staff Regulations.

Article 2

Until 31 December 2010 competitions may be held that are reserved for nationals of the fifteen existing Member States.

Article 3

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 2003

*For the Council
The President*