

EEAS DEC (2014)

EUROPEAN EXTERNAL ACTION SERVICE



GREFFE – Secretariat of EEAS Corporate Board

**Decision of the Chief Operating Officer of the European External Action Service
of 16/05/2014**

**Concerning the Mobility for EEAS Contract Agents in the Delegations of the
European Union**

EEAS DEC (2014)

EXPLANATORY MEMORANDUM

Contract agents are assigned in the Delegations since May 2005 (or earlier under different contractual relations). Since then, many contract agents have never changed their place of assignment. Other agents have moved as part of an informal system of transfers or occasional bilateral swaps. There is a need for a more predictable, fair and transparent mobility system. The mobility exercise will also respond to a specific long-standing demand from the contractual staff.

Furthermore, at the EEAS Headquarters, a number of contract agents are interested in an opportunity to develop their careers in Delegations after a number of years in Brussels. This professional experience gained at the EEAS Headquarters can be an interesting asset for Delegations.

For this reason, the EEAS has decided to establish a mobility scheme that will be applicable as from 2014. The mobility scheme will give priority to contract agents in Delegations. Contract agents at EEAS Headquarters will also have the possibility to express interest in mobility.

This exercise is neither applicable to Regional Security Officers nor to Regional IT Officers who are subject to specific procedures.

The mobility exercise will start under a transitional phase and participation to the exercise will be voluntary. Contract agents who have spent over eight years in a Delegation will have priority and will be encouraged to enrol in the exercise. Contract agents with up to seven and six years may also be considered for mobility. Yet, once a contract agent is included in the mobility exercise, he/she will be expected to participate in the process until it is finished.

Without prejudice to the EEAS and Commission's competences, all contract agents should be subject to common principles for mobility, whether in Commission or EEAS sections. Accordingly, the mobility for contract agents from the EEAS and the Commission will be carried out in close cooperation.

Contract agents in Delegations moving to HQ will retain their 3a contract, including the open ended duration where applicable. Annex X of the Staff Regulations will not apply, except for Article 3 of Annex X, as these contract agents will be deployed again abroad. In that case, Annex X provisions concerning school allowances and storage, where applicable, may continue to apply for 2 years, with a possibility of renewal of 2 years. This assignment to HQ, after mobility, will, in principle, not have a longer duration than four years.

Contract agents from HQ moving to a Delegation will need to change contracts from 3b to 3a. All the conditions of 3a contracts will be applicable.

EUROPEAN EXTERNAL ACTION SERVICE

Decision of the Chief Operating Officer of the European External Action Service

of 16/05/2014

on the Mobility for Contract Agents in Delegations of the European Union

THE CHIEF OPERATING OFFICER

Having regard to the Decision of the High Representative of the Union for Foreign Affairs and Security Policy of 18 October 2012 on the exercise, delegation and sub-delegation of powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude Contracts of Employment and in particular Article 2 therein;

Having regard to Council Decision 427/2010 of 26 July 2010 establishing the organisation and functioning of the EEAS¹, and in particular Article 6 (10) therein;

Having regard to the Staff Regulations (SR) of Officials and the Conditions of Employment of Other Servants (CEOS) of the European Union and in particular the Articles 2 and 3 of Annex X of the SR and Articles 3a and 118 of the CEOS;

Having consulted the Staff Committee;

HAS DECIDED AS FOLLOWS:

Article 1 – Scope

This Decision lays down the organisation of the 2014 mobility exercise for EEAS contract staff in the Delegations of the European Union, involving also a limited mobility of contract staff between EU Delegations and EEAS HQ and vice-versa, hereafter referred to as the "mobility exercise".

This exercise is neither applicable to Regional Security Officers nor to Regional IT Officers who are subject to specific procedures.

The following definitions are applicable in this Decision:

Countries of category 1: countries for which the Allowance for living conditions (LCA), foreseen in Article 10 of Annex X of the SR, is equal or less than 15 %;

Countries of category 2: countries for which the LCA, foreseen in Article 10 of Annex X, is equal to 20 or 25 %;

¹ OJ L 201, 3.8.2010, p. 30–40.

Countries of category 3: countries for which the LCA, foreseen in Article 10 of Annex X, is equal or higher than 30 %.

Article 2 – Objectives of the mobility exercise

The mobility exercise has the following objectives:

- Ensure a high level of mobility for all contract staff in EU Delegations, as provided in the EEAS Decision 2010/427/EU;
- Provide stimulating professional development with possibilities of different postings including a short term posting at EEAS HQ;
- Allow for diversification of professional and geographical experience;
- Avoid difficulties regarding diplomatic protection of contract agents (Vienna Convention) staying for a very long period of time in a third country;

Article 3 – General mobility rules

1. Mobility for contract agents is encouraged but not obligatory. The normal duration of an assignment of a contract agent in a Delegation before participating in a mobility exercise is six years. Contract agents with eight years of seniority or longer in a Delegation will be strongly encouraged to participate in the mobility.
2. Where the contract agent is assigned to a hardship post, where the LCA is 35 or 40%, he/she may be authorised to participate in the mobility exercise after 4 years.
3. Flexibility will be possible in the duration of postings (earlier mobility or late mobility) for reasons linked to the needs of the service or for personal reasons, such as family situation including double postings or others.
4. In principle, movements between posts will take place as from September 1st. However, where in the interest of the service or of the contract agent, and where there is agreement between both Delegations, movements may take place at any other moment of the year.

Article 4 – Procedure

1. In consultation with the relevant 'geographical division' in HQ and Head of Delegation, the EEAS Human Resources Directorate (HR Directorate) shall establish an indicative list of all contract agents in Delegations who could be eligible for the mobility exercise as per article 3.1, 3.2 and 3.3.
2. Contract agents on the indicative list will be able to decide whether they wish to remain on the mobility list or whether they prefer to opt out of the mobility exercise.

3. The HR Directorate will publish a call for expression of interest inviting contract agents at Headquarters to express their willingness for possible mobility to a Delegation under certain conditions to be established by the HR Directorate.
4. On the basis of the choices expressed by contract agents and taking into account the interest of the service and available budgetary resources, the final mobility list will be established by the HR Directorate based on profiles and function groups. Candidates for mobility from Delegations not included in the mobility list due to lack of resources will be given priority for the 2015's mobility exercise.
5. The final mobility list will include a number of possible openings at EEAS HQ based on the interest expressed by the HQ contract agents.
6. Contract agents in the mobility list have the possibility to express interest for up to 5 possible postings. To ensure an equitable alternation between hardship posts and others, contract agents who are in category 1 countries shall include category 2 and 3 countries (if available) in their choices.
7. The HR Directorate will verify the eligibility of staff for the posts they have indicated an interest in. The HR Directorate will communicate the lists to the concerned Heads of Delegation and Geographical services.
8. Heads of Delegation will conduct the selection process with the support of the HR Directorate. Each Head of Delegation shall submit a list of five candidates, by order of preference. The list will coincide with the number of eligible candidates where there have been less than five applicants.
9. Taking into account the preferences expressed by Heads of Delegation, the HR Directorate will finalise the matching exercise and propose a matching list in agreement with each Head of Delegation and 'mirror geographical division' in HQ if applicable.
10. The AHCC will decide on the lists of transfers.
11. Contract agents will be informed by individual message about the proposed post they will be transferred to.
12. Implementing rules of the present Decision will be adopted by the HR Directorate.

Article 5 – Guiding principles for the matching process

1. The following criteria will be used for the matching process (not in order of importance): conformity with the job requirements, current and - if applicable - previous postings; CV (qualifications and experience); knowledge of languages; motivational statements; personal preferences (priority lists); career development.
2. Transfer for contract agents will be automatic for posts included in the priority list. However, in the course of the matching process, candidates can be offered a post outside their priority list. In that case, a bilateral dialogue will take place.
3. At the end of the process, a contract agent may ask for a hearing with the HR Directorate, in the presence, if so requested, of a staff representative. After this hearing, the AHCC will take a final decision.

Article 6 – Accompanying measures

The HR Directorate will provide the necessary accompanying measures and/or additional training options to make sure that mobility can take place in the best conditions for contract agents who require them.

Article 7 – Final provisions

This Decision shall enter into force the day following its signature. It shall be communicated to EEAS staff immediately after signature.

Done in Brussels,


DAVID O'SULLIVAN
