



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 21 August 2012

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2012/0224 (COD)**

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PROPOSAL

from: European Commission

dated: 20 August 2012

No Cion doc.: COM(2012) 377 final

Subject: Proposal for a regulation of the European Parliament and of the Council introducing, on the occasion of the accession of Croatia, special temporary measures for the recruitment of officials and temporary staff of the European Union

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: COM(2012) 377 final



EUROPEAN COMMISSION

Brussels, 17.8.2012
COM(2012) 377 final

2012/0224 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**introducing, on the occasion of the accession of Croatia, special temporary measures for
the recruitment of officials and temporary staff of the European Union**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The attached draft of this Regulation concerns recruitment issues arising from the accession of Croatia to the European Union on 1 July 2013.

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 main features of the proposal are:

1. The proposed expiry date for the derogation from the Staff Regulations is 30 June 2018.
2. The Regulation provides for the organisation of competitions for the selection of officials from Croatia on a national basis.
3. Competitions for Croatian nationals may be held, and lists of successful candidates drawn up, before the accession of that country to the Union. However, a country must have joined the Union before its nationals may be appointed as officials to a post with the Institutions.
4. The Institutions have the possibility of derogating from the requirement to advertise vacant posts within the Institutions. They may, however, publish vacant posts if they so wish.

Each Institution will determine the number of officials and temporary staff from the candidate country to be recruited under this derogation Regulation.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Not applicable.

3. LEGAL ELEMENTS OF THE PROPOSAL

A derogation from Article 4(2) and (3), Article 7(1), Article 27, and Article 29(1)(a) and (b) of the Staff Regulations is proposed, as is a derogation from the Conditions of Employment of Other Servants of the European Union in so far as they provide for application of these provisions of the Staff Regulations to the recruitment of temporary staff.

¹ For the case of the 2004 enlargement, see OJ L 67, 5.3.2004, p. 1.
For the case of the 2007 enlargement, see OJ L 335, 1.12.2006, p. 5.

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 336 thereof,

Having regard to the proposal from the European Commission, submitted following consultations with the Staff Regulations Committee,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the Court of Justice²,

Having regard to the opinion of the Court of Auditors³,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) On the occasion of the accession of Croatia on 1 July 2013, special temporary measures should be adopted to derogate from the Staff Regulations of Officials of the European Union (hereinafter Staff Regulations) and the Conditions of Employment of Other Servants of the European Union (hereinafter Conditions of Employment).
- (2) Given the relative size of the country acceding and the number of persons potentially involved, these measures, albeit temporary, should remain in force for a substantial period. 30 June 2018 appears to be the most suitable expiry date in this regard.
- (3) Given the need to make the planned recruitments as soon as possible after accession, this Regulation should be adopted before the actual accession date,

² OJ C , , p. .

³ OJ C , , p. .

HAVE ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding Article 4(2) and (3), Article 7(1), Article 27 and Article 29(1)(a) and (b) of the Staff Regulations, vacant posts may be filled from the actual date of accession of the country concerned until 30 June 2018 by the appointment of Croatian nationals, within the limit of the number of posts allotted and taking into account the budgetary discussions.
2. Appointments shall be made from the actual date of accession and, except for senior officials (Directors-General or their equivalent in grade AD 16 or AD 15 and Directors or their equivalent in grade AD 15 or AD 14), following competitions based on either qualifications or tests, or both qualifications and tests, organised as specified in Annex III to the Staff Regulations.

Article 2

1. The derogation in Article 1(1) of this Regulation applies *mutatis mutandis* to the recruitment of Croatian nationals as temporary staff.
2. Appointments shall be made from the actual date of accession.

Article 3

This Regulation shall enter into force on the day following that of 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,

For the European Parliament
The President

For the Council
The President