



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from: General Secretariat
to: Permanent Representatives Committee/Council

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
- Outcome of the European Parliament's first reading
(Strasbourg, 19 to 22 November 2012)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

¹ OJ C 145, 30.6.2007, p.5.

In this context, the rapporteur, Mrs Dagmar ROTH-BEHRENDT (S&D/DE) suggested, on behalf of the Committee on Legal Affairs, to approve the Commission's proposal without amendments. This had been agreed during the informal contacts referred to above.

II. VOTE

When it voted on 20 November 2012, the plenary adopted no amendment to the proposal for a Regulation but approved the text of the Commission's proposal. This constitutes the Parliament's first-reading position. This position and the legislative resolution are set out in the Annex hereto.

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

Special temporary measures for the recruitment of officials and temporary staff of the European Union *I**

European Parliament legislative resolution of 20 November 2012 on the 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 (COM(2012)0377 – C7-0216/2012 – 2012/0224(COD)) (Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0377),
 - having regard to Article 294(2) and Article 336 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0216/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the Court of Justice of 12 November 2012¹,
 - having regard to the opinion of the Court of Auditors of 23 October 2012²,
 - having regard to the undertaking given by the Council representative by letter of 31 October 2012 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs (A7-0359/2012),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

² Not yet published in the Official Journal.

Position of the European Parliament adopted at first reading on 20 November 2012 with a view to the adoption of Regulation (EU) No .../2012 of the European Parliament and of the Council introducing, on the occasion of the accession of Croatia to the European Union, special temporary measures for the recruitment of Union officials and temporary staff

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 Justice¹,

Having regard to the opinion of the Court of Auditors²,

Acting in accordance with the ordinary legislative procedure³,

Whereas:

¹ Opinion of 12 November 2012 (not yet published in the Official Journal).

² Opinion of 23 October 2012 (not yet published in the Official Journal).

³ Position of the European Parliament of 20 November 2012.

- (1) On the occasion of the accession of Croatia to the European Union on 1 July 2013, special temporary measures should be adopted to derogate from the Staff Regulations of Officials of the European Union ("the Staff Regulations") and the Conditions of Employment of Other Servants of the European Union, laid down in Regulation (EEC, Euratom, ECSC) No 259/68 of the Council¹.
- (2) Given the size of Croatia and the number of persons potentially involved, the special temporary measures should remain in force for a substantial period. The date of 30 June 2018 appears to be the most suitable expiry date in that regard.
- (3) Given the need for the planned recruitments to take place as soon as possible after accession, this Regulation should be adopted before the actual accession date,

¹ OJ L 56, 4.3.1968, p. 1.

HAVE ADOPTED THIS REGULATION:

Article 1

Recruitment of officials

1. Notwithstanding the second and third paragraphs of Article 4, Article 7(1), Article 27 and points (a) and (b) of Article 29(1) of the Staff Regulations, vacant posts may be filled, as from the actual date of Croatia's accession and until 30 June 2018, by the appointment as officials of Croatian nationals, within the limit of the number of posts allotted and taking into account the budgetary discussions.
2. Such officials shall be appointed from the actual accession date 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 in accordance with Annex III to the Staff Regulations.

Article 2

Recruitment of temporary staff

1. Article 1(1) shall apply *mutatis mutandis* to the recruitment of Croatian nationals as temporary staff.
2. Such temporary staff shall be engaged from the actual accession date.

Article 3

Entry into force

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

For the European Parliament
The President

For the Council
The President