

**Decision by the Management Committee of the Body of European
Regulators for Electronic Communications (BEREC)**
**on the general implementing provisions on the procedure governing the
engagement and the use of Temporary agents at the BEREC Office**

The MANAGEMENT COMMITTEE,

Having regard to the Staff Regulations of Officials (hereinafter "SR") and the Conditions of Employment of Other Servants of the European Communities (hereinafter "CEOS"), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68, and in particular to Articles 2 (a) and (b) and 12 (5) of the Conditions of Employment,

Having regard to the Council and European Parliament Regulation (EC) n° 1211/2009 of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (hereinafter "BEREC") and the Office, and in particular Article 10 thereof,

Having regard to the Commission Decision C(2005)5304 of 16 December 2005 concerning the guidelines on staff policy in the European Regulatory Agencies,

In agreement with the European Commission pursuant to Article 110 of the Staff Regulations,

The Staff Committee of the BEREC Office, which is to be consulted pursuant to Article 110, paragraph 1, second sentence, of the Staff Regulations, has not yet been constituted and it is therefore impossible at the present 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 Committee is entitled in such circumstances to approve the rules forthwith..

Whereas:

- (1) Detailed rules on the employment of temporary agents are desirable. These rules should be based on the types and the duration of tasks to be filled with temporary staff.
- (2) Temporary agents should be selected through a transparent and objective procedure.
- (3) The grading of temporary staff should correspond to the functions to be exercised.
- (4) The BEREC Office may only recruit temporary staff under Article 2a of the CEOS

Article 1

Scope

These rules shall apply to temporary staff referred to in Article 2a (hereinafter "temporary agents 2a") of the CEOS engaged in the BEREC Office, except

- the post corresponding to the Administrative Manager stated in the Council and European Parliament Regulation (EC) n° 1211/2009 of 25 November 2009 establishing the BEREC and the Office.
- heads of unit whose conditions of engagement and employment shall be carried out in line with the specific decision concerning middle management.

Article 2

Type of posts and filling of posts

1. Temporary agents 2a shall be engaged on temporary posts on long term employment for operational, administrative or technical tasks.
2. Long-term employment posts may be filled through an internal selection procedure, via the Inter-Agency Job Market (hereinafter "IAJM") or through an external selection procedure.

Article 3

Selection procedure

1. The BEREC Office shall launch the recruitment procedure by advertising vacancy notices specifying the criteria concerning general and specific competencies and key qualifications required and the possible duration of employment, the function group and grade, and the main steps of the selection procedure.

The vacancy notice shall be published for at least two weeks on the BEREC Office's Internet site, EPSO website, as well as if necessary in the international and local and specialist press. The channels of Permanent Representations of the Member States to the European Union and the NRAs' members of the Management Committee may also be used.

2. The BEREC Office shall set up a Selection Committee, which shall consist of at least three members:

Two from the BEREC Office (one member from the administration and one member from the relevant operational service) and one person designated by the Staff Committee.

One of the two members from the BEREC Office shall act as Chairman.

In specific cases, in particular for selection procedures of experts, up to two additional members may be designated from another service of the BEREC Office or from outside the European Union Institutions.

The members of the Selection Committee who are temporary agents of the BEREC Office shall be chosen from temporary agents whose function group and grade is at least equal to that of the post to be filled.

3. The Selection Committee shall evaluate applications and select those candidates meeting the eligibility criteria and matching best the selection criteria required as per vacancy notice.

The Selection Committee shall invite the selected applicants to written tests whose content shall be defined in accordance with the level and profile of the position advertised.

The written tests will contribute to assess the following components:

- general aptitudes and language abilities to the extent necessary for the performance of their duties,
- knowledge on European integration, the institutions and the Agency;
- specific competencies with reference to their profiles, assessing the quality of writing style and presentation

The above-mentioned components of these tests can be combined and tailored according to the profile of the post.

The Selection Committee shall either invite selected candidates for interview, on the basis of the results of the written tests, or interview all selected candidates. The content of the interview shall be defined in accordance with the level and profile of the position advertised. The interview may be organised for the same day as the written tests.

Minutes of Committee meetings shall be drawn up setting out the reasons for any decision taken.

The Selection Committee shall propose a short list of successful candidates to the Management Committee, which may draw up a reserve list of successful candidates. This list will be valid up to 12 months from the date of its establishment and its validity may be extended by decision of the Vice-Chair of the Management Committee.

The candidates shall be informed of the outcome of the interview and of whether they have been placed on the reserve list.

4. By derogation to paragraph (1), the vacancy notice can be published internally at a range of grades corresponding to the functions.

The post shall be reserved to temporary agents 2a of the same function group whose grade is within this range of grades and who meet the following criteria:

- being employed in BEREC Office as a temporary agent 2a on long term employment for permanent tasks as defined in Article 2;
- having been selected according to the procedure laid down in Article 3 (1) and (3) or, for staff engaged before the entry into force of this decision, having succeeded in a selection procedure equivalent to that referred to in Article 3
- possess the qualifications specified in the vacancy notice.

From the closing date of the selection procedure on, if no suitable candidates could be found in BEREK Office , the vacancy notice may be published in the Inter-Agency Job Market or externally at the most appropriate level.

5. By derogation to paragraph (1), the vacancy notice can be published in the IAJM within the agency network at a range of grades corresponding to the functions.

The post shall be reserved to temporary agents 2a of the same function group whose grade is within this range of grades and who meet the following criteria:

- being employed in a Regulatory Agency applying the Staff Regulations as a temporary agent 2a on long term employment for permanent tasks as defined in Article 2;
- having been selected according to the procedure laid down in Article 3 (1) and (3) or, for staff engaged before the entry into force of this decision, having succeeded in a selection procedure equivalent to that referred to in Article 3
- possess the qualifications specified in the vacancy notice.

From the closing date of the selection procedure on, if no suitable candidates could be found in the network of Agencies, the vacancy notice may be published externally at the most appropriate level.

6. The Vice-Chair of the Management Committee will appoint and conclude a contract with the candidate which meets best all the requirements for a particular post, after obtaining the consent of the Management Committee.

Article 4

Grading

1. Subject to paragraph 2, depending on the function and the level of tasks and within the limits authorised by the establishment plan of the BEREK Office, temporary agents 2a shall be engaged in principle at the following entry grades:

- AST 1 to AST 4 for the function group AST
- AD 5 to AD 8 for the function group AD.

2. By way of derogation from paragraph 1, in order to ensuring high-quality recruitment, if justified by an analysis of the labour market conditions in its sector of work and if the post cannot be filled at a lower grade, the BEREK Office may engage temporary agents 2a at grade AD 9, AD 10, AD 11 or, on an exceptional basis, at grade AD 12. Such recruitments shall remain annually within the limits of 20% of AD recruited per year within the BEREK Office, as defined in the current Staff Policy Plan approved by the Management Committee. This percentage may vary within the limit of an annual average of 20 % calculated over a five years rolling period. Successful candidates selected according to the procedure mentioned in Article 3 (5) shall be recruited at the grade held in their previous agency. Article 32 of the Staff Regulations and BEREK's decision concerning the criteria applicable to classification in grade and step on appointment or engagement shall apply concerning the classification in step.

3. The minimum number of years of professional experience required after the award of the qualification certifying the completion of the level of studies required as a condition of eligibility for any selection procedure is as follows:

Grade of engagement	Number of years of professional experience
AD 5	0 years
AD 6	3 years
AD 7	6 years
AD 8	9 years
AD 9/10	12 years
AD 11/12	15 years
AST 1	0 years
AST 2	1 years
AST 3	3 years
AST 4	6 years

Article 5

Duration of contracts

1. Temporary agents 2a may be engaged under their first contract for a fixed period. The contract may be renewed by the Vice-Chair of the Management Committee not more than once for another fixed period. A further renewal, awarded by decision of the Vice-Chair of the Management Committee, shall be for an indefinite period.

The total period of engagement shall not exceed the lifetime of the BEREC Office.

Article 6

Probationary Period

A member of temporary staff on long term employment shall serve a probationary period pursuant to Article 14 (1) of the CEOS, which is in proportion to the duration of his/her contract. If the duration of the contract exceeds twelve months, the probationary period shall last for the maximum of 6 months. If the duration of contract is between 6 and 12 months, the probationary period shall cover half of the duration of the contract. If the duration of contract is less than 6 months, the temporary agents may be exempted from the requirement to serve a probationary period.

Article 7

Entry into force

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

Done on 23 December 2010

For the Management Committee

Chris Fonteijn
2010 Vice-Chair