

ADMIN(2023) 24

EUROPEAN EXTERNAL ACTION SERVICE



**Decision of the High Representative of the Union
for Foreign Affairs and Security Policy**

of 14/07/2023

on the maximum duration of engagement by the European External Action Service of non-permanent staff under successive limited duration contracts of different types, and on the minimum lapse of time between successive contracts under Article 2(e) of the CEOS and repealing the Decision ADMIN(2020) 10 of the High Representative of the Union for Foreign Affairs and Security Policy of 16/07/2020

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THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY,

Having regard to the Staff Regulations of Officials of the European Union (the 'Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('the CEOS'), and in particular Article 95(1) of the Staff Regulations and Articles 10(5) and Article 80(5) of the CEOS,

After the conclusion of the social dialogue procedure laid down in Articles 5 and 6 of the Decision of the High Representative of the Union for Foreign Affairs and Security Policy of 02/12/2015 on the agreement between the European External Action Service (EEAS) and the Trade Union or Staff Associations (TUSAs) "Framework Agreement",

After consultation of the Staff Committee of the European External Action Service ('EEAS'),

Whereas:

- (1) Under its articles 8, 50b(2) and 88, the CEOS provides for different categories of servants to be engaged under limited duration contracts by the Union but it does not lay down rules on the maximum cumulative duration of these different types of temporary contracts.
- (2) It is appropriate to establish a uniform maximum duration of engagement by the EEAS of non-permanent staff under successive limited duration contracts of different types to respect the core distinctions enshrined in the Staff Regulations and the CEOS between EU officials and the other servants of the Union.
- (3) It is in the interests of fairness between different categories of non-permanent staff, as well as of knowledge retention for the EEAS, to align such uniform maximum duration of engagement under successive limited duration contracts of different types with the maximum possible duration of engagement under Article 2(e) of the CEOS.
- (4) It is moreover appropriate, given the specific expertise provided by this category of temporary agent and in order to ensure an effective continuity in the development of this expertise, to align the uniform "cooling off" period applicable to successive limited duration contracts under Article 2(e) of the CEOS to the usual duration of assignments in the headquarters of diplomatic services of the majority of the Member States, which is two years. It also appropriate to provide for a maximum duration of non-successive limited duration contracts under Article 2(e) of the CEOS, in line with the spirit of Article 50b(2) of the CEOS.

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HAS DECIDED AS FOLLOWS:

Article 1

Categories of staff concerned

This Decision applies to the following categories of servants engaged under limited duration contracts in the EEAS who may be assigned to posts in Headquarters or in Delegations:

- a. Temporary agents engaged under Article 2(a) and (b) of the CEOS;
- b. Temporary agents engaged under Article 2(e) of the CEOS;
- c. Contract agents engaged under Article 3b of the CEOS.

Article 2

Maximum duration of engagement and reference period for different types of contract

As a general rule, and without prejudice of the situations falling under Article 3, the maximum duration of the engagement by the EEAS of non-permanent servants (temporary and contract staff) under successive different types of limited duration contracts referred to in Article 1 shall be 8 years in a reference period of 13 years, or in exceptional circumstances and in the interest of the service, 10 years in a reference period of 15 years.

Article 3

Maximum duration of engagement, minimum lapse of time between successive engagements and reference period under Article 2(e) of the CEOS

With regard to Temporary agents who have served continuously 8 or up to the maximum of 10 years under Article 2(e) of the CEOS pursuant to Article 50b(2) of the CEOS, shall not be engaged by the EEAS under the same provisions before a lapse of at least 2 years from the termination of their last contract under Article 2(e) of the CEOS.

The maximum duration of non-continuous engagement of temporary agents under Article 2(e) of the CEOS shall in no account exceed 8 years in a reference period of 10 years, or in exceptional circumstances and in the interest of the service, 10 years in a reference period of 12 years.

Article 4

Method of calculation

The periods of contractual engagement and the reference period referred to in Article 2 and the minimum lapse of time and reference periods referred to in Article 3 shall be calculated in accordance with the Annex to this Decision.

Article 5

Relevant periods of contractual engagement

This Decision shall apply to periods of contractual engagement from 1 January 2011 onwards.

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Article 6 *Implementation*

The Director-General for Resource Management referred to in Article 4(3)(a), second indent, of Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service¹ may issue administrative instructions or guidelines on the implementation of this Decision.

Article 7 *Entry into force*

This Decision shall enter into force on the day following its signature.

Decision ADMIN(2020) 10 of the High Representative of the Union for Foreign Affairs and Security Policy of 16/07/2020 on the maximum duration of engagement of non-permanent staff under successive limited duration contracts of different types by the European External Action Service is repealed.

Done at Brussels, 14 July 2023.



Josep BORRELL FONTELLES
*High Representative of the Union for
Foreign Affairs and Security Policy*

¹ OJ L 201, 3.8.2010, p. 30.

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ANNEX

I. Calculation of periods of contractual engagement for the purposes of Article 2

1. Each period of contractual engagement shall be calculated in calendar days.
2. The duration of a period of contractual engagement shall correspond to the duration of the contract as calculated from its start date to its end date inclusive, irrespective of the place of employment and including any period of:
 - a. secondment to another Union institution, agency, Member State or international organisation;
 - b. annual leave;
 - c. special leave;
 - d. leave on personal grounds;
 - e. non-active status;
 - f. unpaid leave;
 - g. leave for military service;
 - h. parental or family leave;
 - i. absence on medical grounds;
 - j. maternity leave.
3. Each month (from the first to the last day of a calendar month or from the 16th day of one month to the 15th day of the following month) shall be calculated in calendar days. The last month of the last contract shall be rounded up to one full month within the limit of 2,920 or 3,650 calendar days.
4. In the case of part-time work, the full duration of the contract shall be taken into account without any *pro rata* calculation. Each part-time day shall count as one full day, and each part-time month shall count as one month of engagement.
5. The maximum duration of 8 years shall correspond to 2,920 calendar days and 10 years to 3.650 calendar days, as registered in the official system used by the EEAS for recording duration of employment of the relevant category of staff.

II. Calculation of the reference periods for the purposes of Articles 2 and 3

1. In determining whether a new contract can be concluded in accordance with the time limits referred to in Article 2 or Article 3, the end date of the potential new contract is the reference date for calculating the reference period in question. Account shall be taken of all periods of contractual engagement, including under the potential new contract that would fall within the reference period in question.
2. Any period of contractual engagement prior to the reference period in question calculated in accordance with the preceding paragraph shall be disregarded.

III. Calculation of the minimum lapse of time for the purposes of Article 3

The period of 2 years referred to in the first paragraph of Article 3 shall correspond to 730 calendar days.