Clean Sky 2 Joint Undertaking DECISION

of 5 November 2015

laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for temporary staff

THE GOVERNING BOARD,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials of the European Union (‘Staff Regulations’) and the Conditions of Employment of Other Servants of the European Union (‘CEOS’), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/681, and in particular Articles 43, 44 and 110(2) of the Staff Regulations and Article 15(2) and Article 20(4) of the CEOS,

Having regard to the Council Regulation (EU) 558/2014 of 6 May 20142 establishing the Clean Sky 2 Joint Undertaking,

Having regard to the Communication C(2014)6543 final of 26 September 2014 from Vice-President Šefčovič to the Commission on the guidelines on the implementation of Article 110(2) of the Staff Regulations with regard to the implementing rules applicable in the agencies, and in particular Point 2.B thereof,

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations by Decision C(2015) 1513 of 4/3/2015

After consulting the CSJU Staff Committee,

Whereas:

1) On 17 December 2013, the Commission informed the Clean Sky 2 Joint Undertaking that it adopted Decision C(2013)8985 of 16 December 2013 laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations.

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2 OJ L169 of 7.6.2014
2) Article 110(2) of the Staff Regulations states that implementing rules referred to in Recital 1 shall apply by analogy to the Clean Sky 2 Joint Undertaking. By way of derogation, an agency may request the Commission’s agreement to the non-application of certain implementing rules. The Commission may, instead of accepting or rejecting the request, require the agency to submit for its agreement implementing rules which are different from those adopted by the Commission.

3) Commission Decision C(2013)8985 is suitable to apply to the Clean Sky 2 Joint Undertaking provided it is made clear that its scope covers temporary staff under Article 2(f) of the CEOS and certain adjustments are made to take into account the peculiarities of the Agency. Those adjustments concern in particular the identification of roles and rank of the actors in the procedure and specific cases laid down in the Annexes to that Decision.

4) The appraisal system applicable to the Clean Sky 2 Joint Undertaking staff is intended to provide regular and structured feedback in order to improve performance and contribute to future career development.

5) Under Article 43 of the Staff Regulations, applicable to temporary staff by virtue of Article 15(2) of the CEOS, the annual report has to contain a statement as to whether the jobholder’s performance has been satisfactory. Given the importance of this statement for the jobholder’s career and remuneration, a procedural framework should be put in place.

6) Under Article 44 of the Staff Regulations, applicable to temporary staff by virtue of Article 20(4) of the CEOS, the jobholder’s advancement in step is made conditional on his performance not having been evaluated as unsatisfactory in the last annual report. An annex to this Decision should set out in more detail how to put this rule into practice.

HAS DECIDED AS FOLLOWS:

**Article 1 – Scope**

1. The general implementing provisions laid down by this Decision shall apply to temporary staff within the meaning of Article 2 of the CEOS, with the exception of heads of agencies (hereinafter ‘Director’) and deputy heads of agencies (hereinafter ‘Deputy Director’) as referred to in the act(s) establishing the agency.

2. The temporary staff as defined above are referred to hereinafter as ‘jobholders’, unless otherwise specified.
Article 2 – Annual appraisal exercise

1. Every year, a report covering the period from 1 January to 31 December of the preceding year (hereinafter referred to as ‘the reporting period’) shall be drawn up for each jobholder who was in active employment or seconded in the interests of the service for a continuous period of at least one month during the reporting period.

2. Each report shall include an individual qualitative appraisal of the jobholder’s efficiency, ability and conduct in the service. The report shall be concerned with all the jobholder’s professional activities.

3. Each report shall also include a conclusion on whether the jobholder’s performance has been satisfactory. The conclusion that the jobholder’s performance has been unsatisfactory shall be based on factual elements.

Article 3 – Respective roles and rank

1. The reporting officer shall be the jobholder’s direct superior and, as a general rule, the jobholder’s head of unit on 1 December of the reporting period.

   The Director or Deputy Director shall assume the role of reporting officer for jobholders of whom they are the direct superior.

2. The appeal assessor shall be the direct superior of the reporting officer at the time of the superior’s first intervention in the appraisal procedure as laid down in Article 6.

   Where the Director acts as reporting officer, the appeal assessor shall be the Commission representative on the Governing Board who is the most senior in the highest grade.

   A jobholder who has provided information under Article 22a(1) and (2) of the Staff Regulations, applicable to temporary staff by virtue of Article 11 of the CEOS, may, at the time of his reasoned refusal to accept the report, as provided for in Article 7(1), request that the Commission representative on the Governing Board who is the most senior in the highest grade act as appeal assessor.

3. In exceptional cases, justified by the desire to act in the interests of the jobholder or in the event of a change in the organisation chart of a service, the Director may derogate from paragraphs 1 and 2 above to take account of the specific context arising from the circumstances or the change respectively.

4. In units comprising more than 20 temporary staff, the head of unit may, subject to the agreement of his Director and after notifying the jobholders concerned, delegate the role of reporting officer to AD officials or temporary agents who manage and supervise AST or AST/SC jobholders and whom he considers capable of taking on this role. In that case, the head of unit shall approve the appraisal report and the head of unit’s direct superior shall act as appeal assessor. The head of unit may at any time withdraw the delegation of the role of reporting officer and perform that role himself.
Heads of unit may, without relinquishing their role as reporting officer, delegate the preparatory work for the appraisal of jobholders in their unit to an official or a temporary agent assigned to the unit whom they consider, in the light of the duties he performs within the unit and his abilities, to be capable of assuming that role.

5. Where a report needs to be drawn up and the reporting officer and/or appeal assessor, as defined in paragraphs 1 and 2 above, have in the meantime left the Agency definitively, the Director shall designate the most appropriate reporting officer and/or appeal assessor, taking into account the interests of the jobholders concerned, and shall notify the jobholders accordingly.

6. In the event of a derogation from the provisions of paragraphs 1 and 2, jobholders shall be told the name of the persons who are to act as reporting officer and appeal assessor.

**Article 4**

*Responsibilities in case of an assessment of the jobholder's performance as unsatisfactory*

1. A report concluding that the jobholder's performance has been unsatisfactory needs to be confirmed by a countersigning officer, except where the Director acts as reporting officer.

2. Countersigning officer shall be the direct superior of the reporting officer, except when the direct superior is the Director, in which case the countersigning officer shall be the head of unit/department or equivalent in the Agency who is the most senior in the highest grade. Article 3, paragraphs 3, 5 and 6, shall apply mutatis mutandis.

3. The appeal assessor shall be the Director carrying out this duty at the time of his first intervention in the appraisal procedure. Where the Director acts as reporting officer, the appeal assessor shall be the Commission representative on the Governing Board who is the most senior in the highest grade.

**Article 5 – Basis of the appraisal**

The individual qualitative appraisal shall be based on the ability, efficiency and conduct in the service of the jobholder, taking account of the context within which the jobholder has performed his duties. The individual qualitative appraisal shall not include a comparison with the performance of other individual jobholders.
Article 6 – Appraisal procedure

1. The appraisal exercise shall be launched by the Agency entity in charge of human resources by publication of an administrative notice. It shall be administered by means of a secure electronic system.

2. For each jobholder, the appraisal report is launched electronically. Once the report has been launched, a request to produce a self-assessment shall automatically be sent to the jobholder. Within eight working days of receiving this request, the jobholder shall submit a self-assessment, which will be entered in the appropriate section of the report. The purpose of this self-assessment is to prepare for the dialogue provided for in paragraph 3.

If the jobholder does not submit a self-assessment within the allotted time, without having been prevented from doing so by a justified absence, the reporting officer may immediately proceed to the formal dialogue provided for in paragraph 3.

3. The reporting officer shall then hold a formal dialogue with the jobholder. With the agreement of the jobholder, the reporting officer may ask one or more other jobholders who have supervised the jobholder’s work to take part in the dialogue.

This dialogue shall constitute one of the reporting officer’s basic management duties. In the course of this dialogue, the reporting officer shall, jointly with the jobholder:

   a) assess the jobholder’s performance during the reporting period. The reporting officer shall, jointly with the jobholder, consider the latter’s efficiency, the ability he has demonstrated and his conduct in the service during the reporting period;

   b) identify the jobholder’s training needs.

4. If the jobholder does not act on the invitation to take part in the formal dialogue, without having been prevented from doing so by a justified absence, the reporting officer may immediately draw up an individual qualitative appraisal as provided for in paragraph 5.

5. Within ten working days of the formal dialogue, the reporting officer shall draw up an individual qualitative appraisal of the jobholder’s efficiency, ability and conduct in the service. For this purpose, the jobholder’s justified absences may not be used to his disadvantage.

6. In the cases referred to in Article 4(1) the report shall then be transmitted to the countersigning officer.

The countersigning officer shall verify whether the appraisal procedure has been respected and whether the report has been drafted in a coherent manner, in accordance with these general implementing provisions and consistent with the jobholder’s performance. He shall confirm, complete or modify the report.

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3 Where the agency does not have an electronic system, the procedure shall be carried out manually and the relevant provisions shall be applied mutatis mutandis.

4 See footnote 3.
7. In cases other than those referred to in Article 4(1) or after completion of the procedure provided for in paragraph 6, the report shall then be sent to the jobholder.

8. Within five working days of the date on which the jobholder was invited to consult his report, he may either accept the report, with or without adding comments in the appropriate section, or refuse to accept the report, stating the reasons for refusal.

If the jobholder does not refuse to accept the report within the time limit referred to in the preceding subparagraph, the report shall become final.

Article 7—Appeal procedure

1. The jobholder’s reasoned refusal to accept the report in accordance with Article 6(8) shall automatically mean referral of the matter to the appeal assessor. The jobholder may withdraw his reasoned refusal to accept the report at any time.

2. Upon a request by the jobholder expressed in his reasoned refusal to accept the report, the appeal assessor shall hold a dialogue with the jobholder within ten working days of the date of the reasoned refusal. The jobholder may arrange for another jobholder, other than the reporting officer, to assist him during the dialogue. The appeal assessor may ask another jobholder, other than the reporting officer, to assist him at the dialogue.

3. Within 20 working days of the date of the reasoned refusal to accept the report and following the dialogue provided for in paragraph 2, the appeal assessor shall confirm the report or amend it, giving reasons.

In the case of a report assessing the jobholder’s performance as unsatisfactory, the appeal assessor shall consult the Agency entity in charge of human resources before taking his decision; the latter may in turn consult the Joint Committee.

The decision of the appeal assessor may not be based on facts which the jobholder has not yet had an opportunity to comment upon in the course of the appraisal or the appeal procedure, unless he is given an opportunity to do so by the appeal assessor in good time.

4. The report shall become final by decision of the appeal assessor. The jobholder shall be notified, by e-mail or other means, that the decision rendering the report final has been adopted, pursuant to this Article or Article 6, and that it may be consulted in the electronic\(^5\) system. If the decision rendering the report final was adopted under this Article, the jobholder shall at this point also have access to the appeal assessor’s decision. Such notification constitutes communication within the meaning of Article 25 of the Staff Regulations. The period of three months in which to lodge a complaint, provided for in Article 90(2) of the Staff Regulations, starts to run on communication of the information.

\(^5\) See footnote 3.
**Article 8 – Time limits**

1. The time limits referred to in Articles 6 and 7 as they concern the jobholder shall be calculated only from the time when the relevant decision has been notified to the person concerned or, at the latest, when the latter, acting as a diligent agent, may be expected to be aware of the content of that decision and the reasons for it.

2. These time limits shall be suspended, however, if and for as long as the jobholder is unable to use the electronic\(^6\) system.

**Article 9 – Final provisions**

1. Alongside the general rules laid down above, specific rules governing certain aspects of the appraisal procedure are defined in Annex I. These provisions shall apply by way of derogation from Articles 1 to 8.

2. The consequences for the advancement in step of an appraisal report concluding that the jobholder’s performance level was unsatisfactory are set out in Annex II.

3. The Commission Decision C(2013)8985 of 16 December 2013 shall no longer apply *mutatis mutandis* to the Clean Sky 2 Joint Undertaking from the date of entry into force of the present Decision.

**Article 10 – Entry into force**

1. This Decision shall enter into force with effect from the day following that of its adoption and shall apply to reports established as of the 2015 appraisal exercise.

Adopted through written procedure No 2015 – 06
Done at Brussels, on 5 November 2015

*Clean Sky* 2 Joint Undertaking
(on behalf of the Governing Board Chairman)

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\(^6\) See footnote 3.
1.1. If, in the course of the reporting period referred to in Article 2 of the general implementing provisions laid down by this Decision or during the year following the reporting period, the jobholder has left the service definitively under Article 47 of the Staff Regulations, or the jobholder’s employment has been terminated under Articles 47 to 50 of the CEOS, it is only necessary to draw up a report if the jobholder submits an express request to that effect, in writing, to the reporting officer referred to in Article 3(1) of these general implementing provisions, in the three weeks following the launch of the appraisal exercise.

1.2. Jobholders who, at their own request, have been granted unpaid leave on personal grounds in accordance with Article 40 of the Staff Regulations, or unpaid leave on compelling personal grounds in accordance with Article 17 or 52 of the CEOS shall receive a report covering the reporting period until the date on which the leave took effect. Following their reinstatement, a report shall be drawn up on such jobholders covering the period from reinstatement until the end of the reporting period. If the period covered by these reports is too short for the jobholder to be fully appraised during the reporting period concerned, the reporting officer will draft the report but make a note of this specific circumstance.

1.3. Where a jobholder was unable to carry out his duties for an extended period by reason of illness, accident, parental leave or family leave, maternity leave or leave for military service, and as a result the period covered by the report was too short for the jobholder to be fully appraised during the reporting period concerned, the reporting officer will draft the report but make a note of this specific circumstance.

2 - Mobility

If, during the reporting period but not less than four months after the period covered by the previous report or by the previous contribution included in the report,

(i) the jobholder is moved or transferred to another post within the Agency or seconded under the terms of Article 51 of the CEOS, his direct superior shall draw up a contribution on the jobholder’s performance, which will be incorporated in the report;

(ii) a jobholder leaves a post by virtue of which he would have been called upon to carry out the duties of reporting officer with respect to another jobholder, he shall draw up a contribution on the jobholder’s performance, which will be incorporated in the report;

(iii) a jobholder is employed by another Agency or body of the Union, a contribution on the jobholder’s performance shall be drawn up.
3 – Staff on secondment

3.1. Reports on jobholders who, at the time when the appraisal procedure is launched, are seconded by the appointing authority under Article 51 of the CEOS shall be drawn up in accordance with the procedure set out in Article 6 of the general implementing provisions laid down by this Decision by a reporting officer appointed by the Director of the Agency of origin. The Director shall appoint the most appropriate person in the Agency to act as reporting officer in view of the jobholder’s tasks and activities and career so far.

3.2. If the reporting period includes a period of secondment of four months or more, the reporting officer shall ask the host department to ensure that the jobholder’s superiors within that department provide a contribution on the jobholder’s performance for inclusion in the appraisal report.

4 – Staff representatives

4.1. Reports on jobholders who are assigned full-time or 50% part-time as staff representatives shall be drawn up by the Chair of the Staff Committee, who shall act as the reporting officer. In the case of the Chair of the Staff Committee, the report shall be drawn up by another member of the Staff Committee as decided in writing and notified to the jobholder by the Staff Committee, and that member of the Staff Committee shall act as the reporting officer.

4.2. A report on a 50% part-time assignment shall be incorporated into the main report prepared pursuant to Article 6 of the general implementing provisions laid down by this Decision and the countersigning officer and appeal assessor shall be defined in accordance with Articles 3 and 4 of the general implementing provisions laid down by this Decision. The report shall cover the part of the jobholder’s activity which is devoted to staff representation activities.

4.3. If no assignment takes place or when jobholders dedicate less than 50% of their time to staff representation activities, a relevant contribution to the report referred to in Article 6 of the general implementing provisions laid down by this Decision shall be drawn up only upon request by the jobholder to the Staff Committee. That contribution shall be sent to the jobholder’s reporting officer pursuant to Article 6 of the general implementing provisions laid down by this Decision.

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7 In cases of assignment established by a framework agreement.
ANNEX II – BLOCKING OF ADVANCEMENT IN STEP

1. In application of the first paragraph of Article 44 of the Staff Regulations and of Article 20(4) of the CEOS, a jobholder shall not advance to the next step in his grade if the last finalised report concluded that his performance was unsatisfactory.

In the cases referred to in point 4.2 of Annex I, the consequences mentioned in the preceding subparagraph shall apply if either of the two reports to be established assesses the jobholder’s performance as unsatisfactory.

2. If the advancement in step is blocked pursuant to point 1, the jobholder shall again become due for an advancement after one year, subject to the provisions of point 1.

3. Four years after his entry in the grade or his last advancement in step, the jobholder shall advance in step regardless of his reports.
Clean Sky 2 Joint Undertaking DECISION
of 5 November 2015
laying down general implementing provisions on the procedure governing the
engagement and use of temporary staff under Article 2(f) of the Conditions of
Employment of Other Servants of the European Union

THE GOVERNING BOARD,
Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials of the European Union (‘Staff
Regulations’) and the Conditions of Employment of Other Servants of the European Union
(‘CEOS’), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in
particular Articles 2(f) and 56 of the CEOS,

Having regard to the Council Regulation (EU) 558/2014 of 6 May 2014 establishing the
Clean Sky 2 Joint Undertaking²,

Having regard to the Communication C(2014)6543 final of 26 September 2014 from Vice-
President Šefčovič to the Commission on the guidelines on the implementation of Article
110(2) of the Staff Regulations with regard to the implementing rules applicable in the
agencies, and in particular Point 2.B thereof,

Having regard to the agreement of the European Commission pursuant to Article 110(2) of

After consulting the CSJU Staff Committee,

Whereas:

(1) Article 2 of the CEOS, as amended, has introduced in its paragraph (f) a new category of
temporary staff which is exclusively engaged by the agencies of the Union.

(2) Article 56 of the CEOS requires each agency to adopt, in accordance with Article 110(2)
of the Staff Regulations, general provisions on the procedures governing the engagement
and use of temporary staff referred to in Article 2(f) of the CEOS.

(3) Taking into account the need to set out a consistent staff policy for temporary staff in
Union agencies, it is necessary to lay down specific coherent rules for the engagement of
such staff with a view to facilitating their mobility both within an agency and between
agencies.

¹ OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the

² OJL 169 of 7.6.2014
(4) For the sake of clarity and legal certainty, with respect to temporary staff under Article 2(f) of the CEOS, the Clean Sky 2 Joint Undertaking general implementing provisions on the procedure governing the engagement and use of temporary agents of 6/3/2009 should no longer apply,

HAS DECIDED AS FOLLOWS:

Chapter I
General provisions

Article 1 – Scope
This Decision shall apply to temporary staff engaged pursuant to Article 2(f) of the CEOS ("temporary staff 2(f)") by the Clean Sky 2 Joint Undertaking without prejudice to specific provisions concerning middle managers which are laid down in (a) separate Decision.

Article 2 – Options for filling a post
1. A vacant post may be filled by internal mobility, by mobility between Union agencies or through engagement following an external selection procedure. The authority authorised to conclude contracts of employment ("AACC") may establish an order of priority between those options.
2. Without prejudice to Article 3, each time the AACC decides to fill a post, the post shall be published internally in the agency.

Chapter II
Filling a post by means of internal mobility

Article 3 – Reassignment in the interest of the service
1. The AACC may fill a post in the interest of the service by reassignment of a member of temporary staff 2(f) of the agency in accordance with Article 7 of the Staff Regulations, applicable by analogy to the temporary staff pursuant to Article 100(1) of the CEOS.
2. The reassigned member of staff is assigned to the new post by written decision of the AACC, without impact on the current contract of employment with the agency.

Article 4 – Internal publication of a post
1. The AACC may also decide to fill a post following internal publication. The means of publication, whether by intranet, internal notice, or another means, shall ensure the transparency of the procedure.
2. The post shall be published at the range of grades within a function group (grade bracket) corresponding to the type of post to be filled.

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And where relevant post title and/or job type.

3 And where relevant post title and/or job type.
3. The internal publication shall specify inter alia:
   a) the function group, the type of post and grade bracket;
   b) the type of duties to be performed;
   c) the general conditions and qualifications required for the post (including those referred to in Article 12(2) of the CEOS);
   d) the specific conditions required for the post;
   e) the closing date for applications.

Article 5 – Eligibility

Internal mobility is reserved for temporary staff 2(f) who, on the closing date for applications and on the day of filling the post, are engaged within the agency in the function group and grade belonging to the grade bracket indicated in the internal publication.

Article 6 – Selection procedure in the case of internal publication

1. The AACC shall issue an internal notice describing the process applicable to all internal selection procedures.
   However, the AACC may decide to apply a selection procedure that better suits the interest of the service. Such decision shall be justified and registered in a central record by the AACC.

2. The selected member of temporary staff 2(f) shall be assigned to the new post by written decision of the AACC without impact on his/her current contract of employment with the agency.

Chapter III

Filling a post by means of mobility between Union agencies

Article 7 – Interagency publication of a post

1. The AACC may also decide to advertise a vacant post for temporary staff 2(f) by means of interagency publication, with a view to attracting temporary staff 2(f) that are employed by all other agencies referred to in Article 1a(2) of the Staff Regulations. That publication may be done at the same time as or following the internal publication.

2. The interagency publication for the post shall be published at the same grade bracket as the internal publication. However, the upper grade of the bracket may be reduced to comply with constraints deriving from the agency’s establishment plan.

3. Interagency publication shall specify inter alia:
   a) the nature of the selection (interagency selection);
   b) the function group, the type of post and grade bracket;
   c) the type of duties to be performed;

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4 See footnote 3.
5 See footnote 3.
d) the general conditions and qualifications required for the post (including those referred to in Article 12(2) of the CEOS);
e) the specific conditions required for the post;
f) the closing date for applications.

The elements in points (a) to (f) shall be the same as the elements indicated in the internal publication, without prejudice, as far as the grade is concerned, to Article 7(2). The closing date for applications may be also adapted if interagency publication takes place after internal publication.

Article 8 – Selection procedure

1. Article 6(1) shall apply mutatis mutandis to all interagency selection procedure.

2. The conclusion of contracts with staff in grades AD9 to AD12 pursuant to Article 55 of the CEOS in the framework of interagency mobility shall not be taken into account for calculating the total number of engagements in those grades referred to in the second paragraph of Article 53 of the CEOS.

Article 9 – Eligibility

1. Mobility between agencies shall be reserved for temporary staff 2(1) who, on the closing date for applications and on the day of filling the vacant post, are employed within their agency in a grade and function group corresponding to the published grade bracket and function group.

2. In addition, members of temporary staff 2(1) referred to in paragraph 1 should, as a general rule,
   a) have at least two years’ service within their agency before moving and any decision derogating from that principle shall be taken jointly by the two agencies concerned, having regard to the interest of the service of both agencies;
   b) have successfully completed the probationary period provided for in Article 14 of the CEOS, in the relevant function group. Where, in exceptional circumstances, the agency engages a member of temporary staff 2(1) who does not meet that condition, such member shall serve a full probationary period with the new agency in accordance with Article 14 of the CEOS and the new contract is not considered as a renewal of contract but an ex novo contract.

Article 10 – Contract and transfer of the personal file

1. The agency and the selected staff member shall conclude a contract of employment which ensures continuation of the person’s employment and career in the category of temporary staff 2(1). That contract shall be concluded without interruption of the contract concluded with the agency of origin (‘the preceding contract’) and shall fulfil the following requirements, in particular:
   a) the same grade and the same seniority in the grade as the preceding contract;
   b) the same step and the same seniority in the step as the preceding contract.

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6 That is to say has not successfully completed the probationary period.
2. As a general rule, the end dates of the contract concluded in accordance with paragraph 1 and of the preceding contract shall be the same. If the contract with the agency of origin was for an indefinite period, the member of temporary staff 2(f) shall also be engaged by the new agency for an indefinite period. In the event that the preceding contract comes to its natural end on the day of the move, the duration of the contract concluded in accordance with paragraph 1 shall be the same as that the new agency would have set in case of a renewal of contract of one of its agents.

3. Without prejudice to Article 9(2)(b), the member of temporary staff 2(f) shall not serve a probationary period in the new agency.

4. The selected staff member shall take up duty in the new agency in principle three months after the job offer, unless it is otherwise agreed between the two agencies and the staff member concerned.

5. The agency of origin shall transfer the personal file to the new agency no later than 30 days after the date of the move.

Chapter IV
Filling a post through engagement following external selection

Article 11 – General provisions

1. The AACC may also decide to fill a post by engaging a successful candidate from an external selection procedure. To that end, the AACC may either select a candidate from an existing reserve list, in which case external publication of the vacant post is not required or may decide to organise an ex novo selection procedure, in which case the AACC shall launch an external publication procedure.

Before organising an ex novo selection procedure, the AACC shall examine the existing reserve list(s) in order to ascertaining the need for a new selection.

2. If the AACC decides to organise an ex novo selection procedure, external publication may take place at the same time as internal and, if relevant, interagency publication or at a later stage.

3. Any selection procedure shall be organised at one single grade.

4. The selection procedure shall be carried out in accordance with the Annex.

Article 12 – Engagement

1. The AACC shall engage the member of temporary staff 2(f) by means of a contract concluded pursuant to Article 2(f) of the CEOS.

2. The contract referred to in paragraph 1 is always considered as the initial contract, even if the successful candidate from the external selection procedure is already a member of temporary staff 2(f) in the relevant function group or another function group. However, in the former case, the agency shall offer the person, in writing, the opportunity to be assigned to the post by means of mobility under the provisions of Article 6(2) or, subject to the establishment plan availabilities, Article 10 respectively, if the person prefers to ensure continuity of contracts.
Article 13 – Eligibility for external engagement

1. A member of temporary staff 2(f) may be engaged only on condition that he or she:
   a) fulfils the requirements referred to in Article 12(2) of the CEOS;
   b) possesses the minimum qualifications required by Article 5(3) of the Staff Regulations, applicable by analogy to the temporary staff pursuant to Article 10(1) of the CEOS;
   c) has been successful in a selection procedure set out in the Annex or, by way of derogation and where justified in the interests of the service, has passed a recruitment competition for officials organised by European Personnel Selection Office (‘EPSO’).

2. The grade of the selection must belong to the grade bracket of the internal publication of the post to be filled. It must also comply with the agency’s establishment plan.

Article 14 – Grading

The member of temporary staff 2(f) shall be engaged in the function group and at the grade indicated in the selection notice.

Article 15 – Probationary period

The member of temporary staff 2(f) shall serve a probationary period in accordance with Article 14 of the CEOS.

Chapter V

Common provisions concerning the application of Article 8(1) of the CEOS

Article 16 – Duration of contracts

1. The Director of the agency shall establish the policy that the agency will apply on the duration of contracts, within the limits provided for in the CEOS. This policy shall be communicated to staff.

2. Where justified in the interest of the service, the AACC may decide to conclude contracts of a different duration to those set out in the policy referred to in paragraph 1. Those exceptions shall be recorded in the central record referred to in Article 6(1).

3. The policy referred to in paragraph 1 may contain provisions on temporary and specific needs. In particular, in duly justified cases, the AACC may decide to conclude contracts with a limited perspective in time. Such contracts are justified in particular for projects of limited duration, for cases where the agency needs to avail itself of up-to-date knowledge in a specific area (and accordingly, to renew staff) or for replacement of absences. In such cases, the AACC shall clearly inform the candidate, in the offer letter, contract, any potential renewal of contract and where relevant in the

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7 For the purposes of this Article, only diplomas that have been awarded in EU Member States or that are the subject of equivalence certificates issued by the authorities in the said Member States shall be taken into consideration. In the latter case, the AACC reserves the right to request proof of such equivalence.

8 The grade the competition when the candidate is drawn from an EPSO reserve list for officials.

9 The grade of the competition when the candidate is drawn from an EPSO reserve list for officials.
selection notice, that the contractual relationship with the agency has a limited perspective in time.

Such contracts may be concluded for a fixed period, or, only in duly justified cases, for a limited period. In the latter case, the contract is concluded for the duration of the particular task and shall be recorded in the central record referred to in Article 6(1).

Article 17 — Succession of contracts in case of interagency mobility

1. For the purposes of Article 8(1) of the CEOS the following principles shall apply:
   a) without prejudice to Article 9(2)(b), all the contracts or renewals of contracts as temporary agent 2(f) are taken into account regardless of the agency granting the initial contract or the renewal;
   b) a contract of employment concluded following interagency mobility shall not be considered as a renewal unless it ends at a later date than the previous contract, in which case it shall be treated as a renewal.

Chapter VI

Transitional and final provisions

Article 18 — Final provisions

1. The general implementing provisions on the procedure governing the engagement and use of temporary agents at the Clean Sky 2 Joint Undertaking of 6/3/2009 are no longer applicable to temporary staff 2(f).

2. The general implementing provisions in this Decision shall take effect on the day following that of their adoption.

Adopted through written procedure No 2015 – 06
Done at Brussels, on 5 November 2015

Clean Sky

Eric DAUTRIAT
Executive Director
Clean Sky 2 Joint Undertaking
(on behalf of the Governing Board Chairman)
ANNEX
External selection procedure

Article 1 – General principles

1. An external selection procedure may be organised either to fill one or more similar posts or to constitute a reserve list of successful candidates.

2. The selection procedure shall be launched by publication of the selection notice, which specifies inter alia:
   a) the nature of the selection (external selection to fill one or more similar post(s)/to constitute a reserve list), including the profile and the number of persons to be selected,
   b) the function group, the type of post/post title and grade;
   c) the type of tests;
   d) the type of duties to be performed;
   e) the general and specific conditions and qualifications required for the post;
   f) the required knowledge of languages;
   g) the closing date for applications;
   h) the validity of the reserve list;
   i) the agency or agencies involved.

3. The selection notice shall be published in all working languages of the agency on the website of the agency or agencies concerned, on the EPSO website. as well as, if appropriate, on internet job boards and/or in the international, local and specialist press. The Permanent Representations of the Member States to the European Union and representatives of Member States who sit on the Management Board of the agency or agencies concerned may also be used as communication channels.

Article 2 – The selection procedure

1. The selection procedure shall be conducted to the same standards of EPSO’s competitions organised for officials with equivalent profiles and number of applicants.

2. When an agency or group of agencies is not in a position to meet the standards referred to in paragraph 1, the agency or group of agencies shall seek EPSO’s endorsement of the selection procedure before launching it. EPSO shall respond within the deadline agreed with the agency or agencies concerned.

3. In both cases, the selection procedure shall rely, in addition to examination of the applications, on one or more written and oral test(s). Such test(s) shall involve at least:
   a) an anonymous qualifying part;

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1 If the working languages are not established, the selection notice shall be published in all official languages of the European Union.

2 If the AACC decides, in exceptional cases, not to organise a written test, that decision should be duly justified in the central record as referred to in Article 6(1).
b) a part aimed at assessing the specific competencies required for the post(s);
c) a part aimed at assessing the general competencies required of European Union temporary staff 2(f).

The elements in points (a) to (c) may be grouped in one or more parts.

4. The selection procedure shall be conducted by a selection committee appointed by the AACC and composed of at least three members consisting of one chair and at least one member from the administration of the agency and one member designated by the Staff Committee.

In specific cases, in particular for selection procedures of experts, additional members may be designated from the agency or agencies concerned, from outside the agency or from outside the Union institutions.

The members of the selection committee shall be chosen from officials or temporary agents whose function group and grade is at least equal to that of the post to be filled. When there are no officials or temporary agents in the agency fulfilling the requirement of function group and grade, the authority or authorities authorised to conclude contracts of employment may decide to designate officials or temporary agents from another agency or institution who fulfils that condition.

5. The selection procedure shall be organised by one of the following entities:

a) EPSO, at the request of one or more agencies;
b) Group of agencies; or
c) One agency.

Article 3—Grading of the selection procedure

1. Admissible grades

Temporary staff 2(f) selection procedures shall be organised at one of the following grades:

a) AST/SC 1 to AST/SC 2 for the function group AST/SC;
b) AST1 to AST 4 for function group AST,
c) AD 5 to AD 8 for function group AD.

2. Grade of the selection

Each time a selection procedure is organised, the AACC shall explain in writing the choice of the grade. Such explanation cannot refer to the place of assignment.

3. The selection notice shall require a minimum number of years of professional experience acquired after the award of the qualification certifying the completion of
the level of studies required as a condition of eligibility for the selection procedure. That minimum requirement shall be set by reference to the latest competition organised by EPSO for a similar profile. In the absence of such reference, the minimum number of years of professional experience set out in Table 1 shall apply.

Table 1

<table>
<thead>
<tr>
<th>Grade of engagement</th>
<th>Number of years of professional experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>AD 5</td>
<td>0 years</td>
</tr>
<tr>
<td>AD 6</td>
<td>3 years</td>
</tr>
<tr>
<td>AD 7</td>
<td>6 years</td>
</tr>
<tr>
<td>AD 8</td>
<td>9 years</td>
</tr>
<tr>
<td>AST 1</td>
<td>0 years</td>
</tr>
<tr>
<td>AST 2</td>
<td>3 years</td>
</tr>
<tr>
<td>AST 3</td>
<td>6 years</td>
</tr>
<tr>
<td>AST 4</td>
<td>9 years</td>
</tr>
<tr>
<td>AST/SC1</td>
<td>0 years</td>
</tr>
<tr>
<td>AST/SC2</td>
<td>4 years</td>
</tr>
</tbody>
</table>

Any deviation from the requirements set out in subparagraph 1 of this paragraph shall be justified in writing and registered in the central record provided for in Article 6(1). This justification cannot refer to the place of assignment.

4. Highly specialised positions

a) Subject to the limits established by Article 53 of the CEOS, and by derogation from the requirements of paragraph 1, an agency may engage a member of temporary staff 2(f) at grades AD 9, AD 10, AD 11, or on an exceptional basis at grade AD 12. Those engagements shall be exceptional and shall be duly justified by the agency or agencies in the central record referred to in Article 6(1). This justification shall, inter alia, give the reasons for requiring such a high grade. This justification cannot refer to the place of assignment.

b) Engagement at the grades referred to in the subparagraph (a) shall require completed university studies of at least four years attested by a diploma and a minimum number of years of professional experience as set out in Table 2, both acquired in positions corresponding to the nature of duties of the vacant post(s).

c) The minimum number of years of professional experience referred to in subparagraph (b) shall be required after the award of the qualification certifying the completion of the level of studies required as a condition of eligibility for the selection procedure.

Or completed university studies attested by a diploma and appropriate professional experience of at least one year when the normal period of university studies is at least three years.
Table 2

<table>
<thead>
<tr>
<th>Grade of engagement</th>
<th>Number of years of professional experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>AD 9/10</td>
<td>12 years</td>
</tr>
<tr>
<td>AD 11/12</td>
<td>15 years</td>
</tr>
</tbody>
</table>

Any deviation from the requirements set out in subparagraphs (b) and (c) shall be justified in writing and registered in the central record provided for in Article 6(1). This justification cannot refer to the place of assignment.
Clean Sky 2 Joint Undertaking DECISION

of 5 November 2015

on measures concerning unpaid leave for temporary and contract staff of the European Union

THE GOVERNING BOARD

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials of the European Union (‘Staff Regulations’) and the Conditions of Employment of Other Servants of the European Union (‘CEOS’), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68\(^1\), and in particular Articles 12b, 15, 110(2), of the Staff Regulations and Articles 11, 17, 52 and 91 of the CEOS,

Having regard to the Council Regulation (EU) 558/2014\(^2\) of 6 May 2014 establishing the Clean Sky 2 Joint Undertaking,

Having regard to the Communication C(2014)6543 final of 26 September 2014 from Vice-President Šefčovič to the Commission on the guidelines on the implementation of Article 110(2) of the Staff Regulations with regard to the implementing rules applicable in the agencies, and in particular Point 2.B thereof,

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations by Decision C(2015)5320 of 28/07/2015

After consulting the CSJU Staff Committee,

Whereas:

1) Article 17 of the CEOS concerning unpaid leave on compelling personal grounds has been amended with effect as of January 2014.

2) The new Article 52 of the CEOS concerning unpaid leave regarding temporary staff referred to in Article 2(f) of the CEOS has been introduced with effect as of 1 January 2014.

3) On 17 December 2013, the Commission informed the Clean Sky 2 Joint Undertaking that it adopted Decision C(2013)9054 of 16 December 2013 on measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Union.


\(^2\) OJ L169 of 7.6.2014
4) Pursuant to Article 110(2) of the Staff Regulations, implementing rules such as those referred to in Recital 3 shall apply by analogy to the Clean Sky 2 Joint Undertaking. By way of derogation, an agency may request the Commission's agreement to the non-application of certain implementing rules. The Commission may, instead of accepting or rejecting the request, require the agency to submit for its agreement implementing rules which are different from those adopted by the Commission.

5) Commission Decision C(2013)9054 is not suitable to apply by analogy to temporary [and contract] staff of the Clean Sky 2 Joint Undertaking because it does not cover temporary staff referred to in Article 2(f) of the CEOS to whom specific rules on unpaid leave apply. In addition, the internal organisation of the Clean Sky 2 Joint Undertaking does not allow putting in place the same mechanism to organise the return to work as the ones provided for in the Commission Decision.

6) It is therefore necessary to adopt a decision on unpaid leave for temporary and contract staff within the Clean Sky 2 Joint Undertaking.

HAS DECIDED AS FOLLOWS:

Chapter I – Provisions for temporary and contract staff

Title 1 General provisions

Article 1 – Conditions for granting unpaid leave

Unpaid leave may be granted by the authority authorised to conclude contracts (‘AACC’) at the request of the temporary or contract staff concerned (‘staff member’). The AACC shall take a decision on granting unpaid leave after consulting the staff member's immediate superiors, having examined the request in detail and taken into account all relevant factors, in particular the reason for the leave, its duration and the immediate needs of the service. The staff member shall be notified of his precise obligations when the decision is taken to grant or extend unpaid leave.

Article 2 – Professional activity

1. A staff member who, during unpaid leave, envisages engaging in a professional activity or changing from the professional activity already authorised, must obtain prior permission from the AACC pursuant to Article 12b of the Staff Regulations, and in accordance with the rules applicable within the Agency on outside activities and assignments.

2. In accordance with these rules, such permission shall not be granted to a staff member for the purpose of his engaging in an occupational activity, whether gainful or not, which involves lobbying or advocacy vis-à-vis his Agency and which could lead to the existence or possibility of a conflict with the legitimate interests of the Agency.

Applicable to temporary and contract staff by virtue of Articles 11 and 81 of the CEOS respectively.
3. The Joint Committee shall be informed of the decisions that have been taken by the AACC pursuant to Article 12b of the Staff Regulations.

**Article 3 – Link with the Agency**

1. During unpaid leave, the staff member shall maintain a link with the CSJU Human Resources unit, for the purposes of approving a request for extending that leave or for engaging in a professional activity. If, during unpaid leave, reorganisation takes place entailing transfer of the staff member’s former tasks to another Agency, the staff member shall come under the new Agency to which the tasks have been assigned in accordance with the legal act(s) governing that transfer of the staff member’s former tasks.

2. The staff member shall inform the Agency of his contact details during his unpaid leave and keep this information updated at all times.

**Article 4 – Career development**

During unpaid leave, a staff member shall not be entitled to advancement to a higher step in grade and shall not be entitled to reclassification in grade.

**Title II Specific provisions for temporary staff referred to in Article 2(f) of the CEOS with a contract for an indefinite period**

**Article 5 – Duration**

1. In accordance with Article 52 of the CEOS, the duration of unpaid leave requested by a staff member shall be restricted to one year, extendable several times for one year. The total duration of unpaid leave may not exceed twelve years over a staff member’s whole career.

2. The duration of unpaid leave shall not be less than one month. However, for major family reasons, unpaid leave may be granted for a period of 15 days if there are no other possibilities of reducing working time (parental leave, family leave or part time working).

3. Other than in exceptional cases (serious illness of a close relative, election to public office, etc.), unpaid leave shall start on the 1st or 16th of the month and end on the 15th or last day of the month.

4. If the temporary staff member requests unpaid leave to serve a term in public office, that leave shall be restricted to the duration of the term of office.

**Article 6 – Vacancy of posts**

A post which is unoccupied following departure on unpaid leave for a period of six months or more shall be considered vacant from the first day of that unpaid leave.

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4 See footnote 3.
Article 7 – Extension

Extension of unpaid leave must be applied for by the staff member two months before expiry of the current period and may be granted by the AACC, provided that the conditions set out in Article 5 are met.

Article 8 – Return to work

At the latest three months before the end of the unpaid leave, and if the staff member has not already submitted an application to return to work, the Agency's entity in charge of human resources, shall contact the staff member and request a written notification of his wish to extend his unpaid leave or to return to work, in which case he should provide an up to date curriculum vitae which includes details of any professional activity engaged in and new knowledge acquired while on leave.

In order to facilitate the return to work and the identification of the appropriate post, the Agency's entity in charge of human resources, shall take the measures necessary for the staff member, on expiry of period of unpaid leave, to return to work in the Agency in the first vacant post in his function group that corresponds to his abilities. The staff member application shall be examined as a priority before any filling of the posts. The vacant post may only be filled by another person if the staff member returning to work does not possess the abilities required for the post to be filled or if he has a personal interest, in particular a family or a financial interest, or represents any other interests of third parties which would impair his independence in the course of his duties in the specific post, such as to lead to an actual or potential conflict of interest.

In order for the Agency to assess the existence of such a conflict of interest, the staff member shall prior to his reinstatement, inform the AACC, using a specific form, of any personal interest, in particular a family or a financial interest, or representation of any other interests of third parties such as described above, in order to allow the AACC to take any appropriate measure as provided for in Article 11a(2) of the Staff Regulations; such measure may not, however, prevent the reinstatement of the staff member. The assessment carried out by the AACC shall be made considering the situation of the staff member after his reinstatement.

Article 9 – Termination of contract

A staff member who has asked to return to work may refuse the first offer of a post corresponding to his function group; in the event of a second refusal, employment may be terminated by the Agency without notice. The same procedure applies to a staff member who has reached the cumulative total of years of unpaid leave provided for in Article 5(1) or who can no longer claim the exemptions set out in Article 5(4) and who does not apply to return to work.

Article 10 – Secondment

A staff member on unpaid leave who is seconded in the interests of the service shall return to work in his Agency. The staff member's rights to advancement in step and eligibility for reclassification shall recommence from the date on which secondment takes effect.

At the end of the secondment period, the staff member shall either:

5 Applicable to temporary staff by virtue of Article 11 of the CEOS.
• apply to return to work in accordance with Article 8 above;
• apply for a new period of unpaid leave, provided that the conditions for granting it are met;
• terminate his contract of employment under conditions referred to in Article 47 of the CEOS.

Title III Specific provisions for other temporary staff

Article 11 — Duration

1. In accordance with Article 17 of the CEOS, the duration of unpaid leave requested by a staff member shall not exceed one quarter of the length of time already worked by the servant or three months if the servant’s seniority is less than four years or twelve months in other cases; such leave may not exceed twelve months over the whole of his career. The period of unpaid leave may not exceed the duration of the employment contract still to run.

2. Paragraphs 2 and 3 of Article 5 shall apply by analogy.

3. If the staff member requests unpaid leave to serve a term in public office, that leave shall be restricted to the duration of the term of office and shall not exceed the duration of the employment contract still to run.

Article 12 — Extension

Extension of unpaid leave must be applied for by the staff member two months before expiry of the current period and may be granted by the AACC, provided that the conditions set out in Article 11 are met.

Article 13 — Return to work

1. At the end of unpaid leave, the staff member shall return to work in the post occupied before departure, subject to the examination by the AACC whether the staff member has a personal interest, in particular a family or a financial interest, or represents any other interests of third parties which would impair his independence in the course of his duties in the specific post, such as to lead to an actual or potential conflict of interest.

2. In order for the Agency to assess the existence of such a conflict of interest, the staff member shall, prior to returning to work, inform the AACC, using a specific form, of any personal interest, in particular a family or a financial interest, or representation of any other interests of third parties such as described above, in order to allow the AACC to take any appropriate measure as provided for in Article 11a(2) of the Staff Regulations.

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6 Without prejudice to Article 5(1).
7 In case of the Agency reorganisation, the staff member shall be reintegrated on the post which has been moved.
8 See footnote 3.
Article 14 – Termination of contract

Where a staff member does not take up his duties again at the end of unpaid leave, his absence shall be regarded as unjustified and the AACC shall terminate the contract pursuant to Article 47 of the CEOS.

Article 15 – Secondment of temporary staff referred to in Article 2(f) of the CEOS

A staff member on unpaid leave who is seconded in the interests of the service shall return to work in his Agency. The staff member’s rights to advancement in step and eligibility for reclassification shall recommence from the date on which secondment takes effect.

At the end of the secondment period, the staff member shall either:

• apply to return to work in accordance with Article 13 above;
• apply for a new period of unpaid leave, provided that the conditions for granting it are met;
• terminate his contract of employment under conditions referred to in Article 47 of the CEOS.

Title IV Specific provisions for contract staff

Article 16 – Contract staff

Title III shall apply mutatis mutandis to all contract staff, except Article 15

Title V Final Provisions

Article 17

1. In the interest of clarity and legal certainty, Commission Decision C(2004)1597 of 28 April 2004 on measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff should no longer apply by analogy at Clean Sky.

2. The Commission’s Decision C(2013)9054 of 16 December 2013 does not apply by analogy at the Clean Sky 2 Joint Undertaking

This Decision shall enter into force with effect from the day following that of its adoption.

Adopted through written procedure No 2015–06
Done at Brussels, on 5 November 2015

Eric DAUTRIAT
Executive Director
Clean Sky 2 Joint Undertaking
(on behalf of the Governing Board Chairman)