



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL REGULATION

introducing, on the occasion of the accession of Bulgaria and Romania, special temporary measures for recruitment of officials of the European Communities

(presented by the Commission)

EXPLANATORY MEMORANDUM

The forthcoming accession of Bulgaria and Romania to the European Union poses many challenges for the Institutions, not least in the field of human resources management. The attached draft Regulation is concerned with the recruitment aspect of this enlargement.

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 current enlargement process follows the largest enlargement that the Union has ever undertaken, when, on 1 May 2004 ten new member states joined the Union.

The main features of the proposal are:

1. The derogation from the Staff Regulations is proposed to last until 31 December 2011.
2. The Regulation foresees the organisation of competitions for the selection of officials from Bulgaria and Romania on a national basis.
3. Competitions for Bulgarian and Romanian nationals may be held, and lists of successful candidates drawn up, before the accession of these countries to the Union. A country must have joined the Union before its nationals may be appointed as officials to a post with the Institutions.
4. There is a possibility for Institutions to derogate from the requirement to advertise vacant posts within the Institutions. The Institutions may, however, give publicity to vacant posts if they so wish.

Each Institution will determine the number of officials from the candidate countries to be recruited under the provisions of this derogation Regulation.

¹ For the case of the EU 10 enlargement, see OJ L 67, 05.03.2004, p. 1.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 283 thereof,

Having regard to the proposal from the Commission²,

Having regard to the opinion of the European Parliament³,

Having regard to the opinion of the Court of Justice⁴,

Having regard to the opinion of the Court of Auditors⁵,

Whereas:

- (1) On the occasion of the forthcoming accession of Bulgaria and Romania special temporary measures should be adopted that depart from the Staff Regulations of Officials of the European Communities (Staff Regulations).
- (2) Give the relative sizes of the countries acceding and the number of persons potentially involved these, albeit temporary measures should remain in force for a substantial period. 31 December 2011 appears to be the most suitable expiry date for them.
- (3) Given the need to enable the planned recruitments to take place as soon as possible after accession, this Regulation should be adopted before the actual accession date.

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding the provisions of the second and third paragraphs of Article 4, Article 7(1), the second paragraph of Article 27 and points (a) and (b) in Article 29(1) of the Staff Regulations, until 31 December 2011 vacant posts may be filled,

² OJ C , , p. .

³ OJ C , , p. .

⁴ OJ C , , p. .

⁵ OJ C , , p. .

with the limit of the number allotted, taking into account the budgetary discussions, by appointment of Bulgarian and Romanian nationals after the actual date of accession of the countries concerned.

2. Appointments to posts shall be made:

- (a) For all grades, after the actual date of accession;
- (b) 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 on the basis of both qualifications and tests organised as specified in Annex III to the Staff Regulations.

Article 2

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 Council
The President