

DECISION
ADB(D) 14-2009

**GENERAL IMPLEMENTING PROVISIONS ON THE PROCEDURE GOVERNING
THE INTERNAL SELECTION TO BE CARRIED OUT UNDER ARTICLE 2 OF
COUNCIL REGULATION (EC) N° 1361/2008 OF 16 DECEMBER 2008**

The Administrative Board of the SESAR Joint Undertaking,

Having regard to Council Regulation N° 219/2007 establishing a Joint Undertaking to develop the new generation European air traffic management system (“SESAR Joint Undertaking” hereinafter “SJU”) of 27 February 2007¹ and more in particular article 2 of Council Regulation (EC) N° 1361/2008 of 16 December 2008²,

Having regard to the Staff Regulations of Officials of the European Communities (hereinafter the “Staff Regulations”) and the Conditions of Employment of Other Servants of the European Community (hereinafter the “Conditions of Employment”) laid down by the Council Regulation (EEC, Euratom, ECSC) n° 259/68 and the amendments thereto³ and more in particular article 12 (5) of the Conditions of Employment

Having regard to Articles 5 and 32 of the Staff Regulations and Article 2(a), 8, 10, 12 and 15 of Conditions of Employment,

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

Whereas:

1. The present Decision shall contain the transitional measures in order to enable the SJU to continue to fulfill its tasks to the best of its abilities, notably by facilitating the transition of staff engaged by the SJU prior to the 1 January 2009 as provided for in article 2 of Council Regulation N° 1361/2008 of 16 December 2008 to the terms and conditions of the Staff Regulations and Conditions of Employment.
2. Notwithstanding the provisions of Article 1(3) of Council Regulation N° 219/2007 of 27 February 2007⁴, all employment contracts concluded by the SJU in force on the 1 January 2009 shall be honored until their expiry date without further renewal.
3. According to article 2 of Council Regulation N° 1361/2008 of 16 December 2008, all members of staff under employment contracts prior to 1 January 2009 and still in force shall be offered the possibility to apply for temporary agents’ contracts under article 2 (a) of the Conditions of Employment at the various grades as set out in the establishment plan and depending on the type and level of the functions performed.
4. It is for the authority authorised to conclude contracts (hereinafter the “Contracting Authority”) to carry out, by the 30 June 2009 at the latest, an internal selection process open to the potential applicants referred to in article 2 of Council Regulation

¹ Council Regulation (EC) N° 219/2007 of 27 February 2007, OJ L 64, 02/03/2007, p1 - 11

² Council Regulation (EC) n° 1361/2008 of 16 December 2008, OJ L 352, 31.12.2008, p.12

³ OJ L 56, 04/03/1968, p.1. Regulation last modified by the Council regulation (CE, Euratom) N°420/2008 of 14 May 2008, OJ L 127, 15/05/2008, p.1.

⁴ Council Regulation (EC) N° 219/2007 of 27 February 2007, op. cit.

N° 1361/2008 of 16 December 2008 in order to check their ability, efficiency and integrity.

5. It is necessary to establish detailed rules governing the internal selection process to be carried out pursuant to Article 2 of Council Regulation N° 1361/2008 of 16 December 2008.

In its ordinary meeting of 12 June 2009, has adopted the following rules:

Article 1
Scope

1. The present rules shall apply to all members of staff under employment contracts concluded by the SJU before 1 January 2009 and still in force at the moment of the invitation to submit an application for a temporary agent contract (hereinafter prior contract).
2. The present rules do not apply to the functions referred to in article 7 of the Statutes of the Joint Undertaking annexed to Council Regulation N° 219/2007 of 27 February 2007.

Article 2
Application

1. The Contracting Authority shall determine the posts of all members of staff referred to in article 1.1 of this Decision (hereinafter “eligible staff members”) and define the function group and grades as set out in the establishment plan depending on the type and level of the functions performed.
2. All eligible staff members shall be invited to submit an application for a temporary agent contract under Article 2 (a) of the Conditions of Employment at the various function groups and grades according to paragraph 1 of the present article.
3. The invitation shall contain a notice specifying the eligibility criteria as laid down in Article 5 of the Staff Regulation and Article 12 of the Conditions of Employment. This notice shall further specify criteria concerning general and specific competencies required, the function group and grade, as well as the duration in accordance with article 2 of Council Regulation N° 1361/2008.
4. Each applicant shall, within the deadline specified in the invitation, submit his/her application to the Human Resources department. Applications shall include an application letter and an up to date detailed curriculum vitae or application form.
5. Applicants will be asked to provide the official supporting documents confirming the information given in their application.
6. In order to check the ability, efficiency and integrity of the applicants, the SJU shall carry out an internal selection process as described hereunder.

Article 3
Selection procedure

1. The SJU shall set up a Selection Committee consisting of four members: two from the Joint Undertaking (the Executive Director or his delegate and one member from the relevant operational service), one person designated by the Staff Committee and one person designated from outside the Joint Undertaking.

2. The Executive Director or his delegate shall act as chairman.
3. The Human Resources Unit shall provide the Selection Committee with the files of all applicants. Each file shall include an application letter, an up to date detailed curriculum vitae or application form, the employment contract with the SJU and documentation related to the probationary period under the prior contract.
4. The Selection Committee shall verify each applicant file and invite the applicant to an interview that will be defined in accordance with the type and level of the functions to be performed, in order to assess his/her ability, efficiency and integrity.
5. Minutes of Committee meetings shall be drawn up setting out the reasons for any decision taken.
6. The Selection Committee shall communicate to the Contracting Authority the outcome of the selection process; the Contracting Authority shall inform the applicants within the following 15 days.

Article 4
Offer

1. After verifying that the successful applicant meets the requirement set out in article 5 of the Staff regulation and article 12 of the Conditions of Employment, the Contracting Authority shall offer to the successful applicant a temporary agent contract under article (2) of the Conditions of Employment in accordance with provisions Articles 5 and 7 of the present decision.
2. For eligible staff members who chose not to apply for temporary agents' contract or who are not offered a temporary agent contract, the provisions set out in article 2.4 of the Council Regulation N° 1361/2008 of 16 December 2008 shall apply.

Article 5
Grading

1. Applicants selected according to article 2 of Council Regulation of 16 December 2008 and the procedure laid down in article 3 of the present Decision shall be engaged at the grade of the function group set out in the notice contained in the invitation.
2. For the application of Article 32 of the Staff Regulations concerning the classification in step, the Contracting Authority shall apply by analogy the Commission decision on general implementing provisions concerning the criteria applicable to classification in grade and step on appointment or engagement of 7 April 2004 Decision C(2004) 1313.

Article 6
Probationary period

1. Where a member of staff is engaged as temporary agent pursuant to article 2 of the Council Regulation N°1361/2008 of 16 December 2008, she/he shall serve a probationary period of six months.
2. The report of probationary period shall be made in accordance with the procedure laid out in article 14 of the Conditions of Employment.

Article 7

Duration of contracts

1. Successful applicants shall be offered temporary agents contracts of a duration corresponding at least to the time remaining under the prior contract.
2. If a prior contract had been concluded for the duration of the SJU and the staff accepts a new temporary agent's contract under the conditions set out in the present decision, that new contract shall be concluded for an indefinite duration in accordance with the first paragraph of Article 8 of the Conditions of Employment.

Article 8

Entry into force

The present provisions shall apply as of 15 April 2009.

The present decision shall enter into force on the date of its adoption.

Done in Brussels, 12 June 2009.

For the Administrative Board



Daniel Calleja Crespo
The Chairperson