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COMMUNICATION TO THE COMMISSION

Communication of Vice-President Šefčovič to the Commission

**Concerning the Recruitment of Commission Officials and Temporary Agents
from Croatia**

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1. INTRODUCTION

As stipulated in the Accession Treaty¹, Croatia is expected to become the 28th Member State of the European Union on 1 July 2013². This enlargement will take place around nine years after the 2004 enlargement (EU-10), this being the largest and most complex enlargement to date, and six years after the accession of Bulgaria and Romania (EU-2). As was the case of these enlargements, it is important to anticipate two elements of the Commission's personnel policy:

- (1) the need for additional human resources to deal with the extra work which will stem from the accession of Croatia and
- (2) target numbers of officials and temporary agents to be recruited from Croatia as a representative part of the Commission's total number of staff.

The first issue is decided each year in the Commission's Budget. The total number of full time equivalents (FTEs) requested by the Commission (heading 5 and the research budget) amounts to 384. So far the Commission has requested 118 establishment plan posts and appropriations for 53 contract agents (for 2012 and 2013). For 2012 the Commission was frontloaded with 46 full time equivalents (FTEs), including 4 AD posts (no AST posts), approved by the Budgetary Authority in the Budget 2012³. For 2013 the Commission requested 125 FTEs in its statement of estimates⁴, including 114 posts (97 AD and 17 AST) granting of which remains subject to approval by the Budgetary Authority. For 2014, estimated needs related to the enlargement amount to 213 FTEs (the exact split between the number of posts and appropriations for contract agents will be reflected in the 2014 draft Budget).

The present Communication addresses the second issue and sets recruitment targets for Croatian nationals. Targets are set only for officials and temporary agents. Other staff categories are not covered by this Communication.

In order to apply a coherent approach in setting recruitment targets, it is proposed to apply to the Croatian enlargement the same principles and method as to the 2004 and 2007 enlargements. The principles to be applied are the following:

- (1) The method for calculating recruitment targets for Croatia as a share of the Commission's total staff must lead to a fair and balanced result, i.e. reflecting the new Member State's relative weight in the enlarged Union;
- (2) The method of calculation of recruitment targets must also ensure balanced representation of Croatian nationals in each function group (AD and AST). To this end, recruitment targets for Croatia will be broken down as follows: 60% AD, 40% AST;

¹ Act of Accession (Treaty concerning the Accession of the Republic of Croatia), signed on 9 December 2011 in Brussels.

² Subject to ratification of the Accession Treaty by all Member States (Croatia ratified the Treaty on 9 March 2012).

³ Amending Letter No. 2 to the draft Budget 2012, COM(2011) 576.

⁴ SEC(2012)270 of 25 April 2012.

- (3) The recruitment procedures must ensure that staff have a high level of qualifications and that recruitment is based on merit;
- (4) In achieving a fair balance in the staffing levels for Croatia, the principles of equal treatment will be applied. As provided in Article 1 (d) (1) of the Staff Regulations, equal treatment means that "any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation shall be prohibited". In particular, the Commission's policy on gender balance will be applied in the same way as it is applied to recruitment from the current Member States.

The method of calculation of recruitment targets should involve, as in the case of past enlargements, the criteria of the population size, number of seats in the European Parliament and weighted votes in the Council on the basis of which reference figures will be determined.

It is noteworthy that the accession of Croatia will take place in a specific context (staff savings, changes to the Staff Regulations, etc.), which is reflected in the present Communication.

2. LEGAL BASIS AND TRANSITION PERIOD

The principle of geographical balance is laid down in Article 27 of the Staff Regulations: "*Recruitment shall be directed to securing for the institution the services of officials of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the Union*". However, the same Article limits the Commission's discretionary power to the extent that "*No posts shall be reserved for nationals of any specific Member State*". The Court of First Instance has given a clear interpretation of this rule: under the Staff Regulations, nationality considerations may be invoked only to distinguish between candidates whose qualifications are equivalent.

Therefore, a time-limited derogation from the above mentioned rule ("*No posts shall be reserved for nationals of any specific Member State*") allowing for special measures in the recruitment of Croatian nationals (such as competitions organised exclusively for Croatians) has to be introduced by a regulation of the European Parliament and the Council. This regulation is to be submitted to the College together with the present Communication. It suggests a transition period of five years (1 July 2013 - 30 June 2018).

3. ENSURING GEOGRAPHICAL BALANCE: APPROACH AND RESULTS

3.1. Calculation method

It is proposed to apply the same method of calculation of recruitment targets as for the EU-10 and EU-2 enlargements.

The share of posts for Croatian nationals should correspond to the relative weight of Croatia in the enlarged Union, which is calculated according to the following three criteria:

- (1) The number of inhabitants;
- (2) The number of seats in the European Parliament;
- (3) The weighting of votes in the Council.

The relative weight of Croatia is expressed as a percentage (the average of (1), (2) and (3)).

As was the case for the EU-10 and EU-2 enlargements, the indicative overall recruitment target during the transition period is established at 2/3 of the share of posts calculated according to the above formula. The remaining 1/3 is expected to be filled after the transition period through the normal EU-wide recruitment process.

The calculation of recruitment targets is subject to reserves stated in section 3.8.

3.2. *Reference date for number of posts in establishment plan*

It is proposed to take as a reference date for the number of posts in the establishment plan the expected date of accession of Croatia (1 July 2013). Given the increased uncertainty linked, inter alia, to staff savings, the reference date of 1 July 2013 has the advantage of providing a relatively accurate number of posts and thus more precise indicative recruitment targets.

The indicative recruitment targets should therefore be based on the overall number of establishment plan posts mentioned in the draft budget 2013, which

- includes 'enlargement' posts already granted to the Commission or expected to be granted in 2012 and 2013, after the 1% staff reduction expected in 2013,
- does not include new 'enlargement' posts requested for 2014 and subsequent staff reductions.

3.3. *Overall recruitment target*

The application of the calculation method mentioned in section 3.1 to Croatia is illustrated in Annex 1. It shows the three criteria (inhabitants, European Parliament seats and weighting of votes in the Council) and the corresponding relative values for the current Member States and Croatia. It shows that after the accession Croatia will account for:

- 0.9% of the total population of the enlarged European Union,
- 1.6 % of the 766 seats in the European Parliament and
- 2.0 % of the total number of weighted Council votes.

The last column of the table in Annex 1 provides the average cumulative value of the three criteria (relative weight). The relative weight of Croatia amounts to 1.5%.

With the additional resources requested due to the enlargement, the total number of Commission posts out of its 9 establishment plans (Commission, Offices – OP, OLAF, EPSO, OIB, OIL and PMO, Research Direct Actions – JRC and Research Indirect Actions) should amount to 24,944. It is to be noted that, contrary to the two most recent enlargements, in the case of Croatia targets are also set for the Joint Research Centre (JRC). Accordingly, Direct Research Budget posts are included in the overall number of posts⁵. The use of temporary agents, where necessary and duly authorised, should help cater for the needs of the JRC for specialised scientific personnel.

Annex 2 shows the absolute share of posts for Croatia calculated by reference to its relative weight, which share amounts to 374⁶. This figure multiplied by 2/3 results in the overall target for Croatia.

– ***Overall target for Croatia: 249 recruitments***

3.4. *Recruitment targets per function group*

In order to ensure a balanced representation of Croatian nationals in each function group, when compared with the situation of other nationalities, the proposed distribution pattern is 60% of AD and 40% of AST recruitments⁷.

For the calculations of the AD/AST targets, see Annex 2. The targets per function group will be as follows:

– ***AD target: 149 recruitments***

– ***AST target: 100 recruitments***

3.5. *Management recruitment targets*

Management targets will be set for the entire Commission including Research Direct Actions - JRC, Research Indirect Actions, OP, OLAF, EPSO, OIB, OIL and PMO.

The principle that at least one Director-General or equivalent (Deputy Director-General or Hors-Classe Adviser) function will be occupied by a national from each Member State will be upheld for Croatia.

Management recruitment targets and their split between senior and middle management will reflect the distribution of organisation chart functions expected on 1 July 2013, see Annex 3.

⁵ The inclusion of the JRC aims at the simplification of target-setting and monitoring of actual recruitment.

⁶ The situation expected on 1 July 2013 (reference date mentioned in section 3.2.).

⁷ This corresponds to the existing spread between functions groups after excluding Belgian citizens (who represent a high number of AST level staff) and is also in line with the decision adopted for EU-2 recruitments (the Communication from Vice-President Kallas in agreement with the President on overall recruitment of EU-2 staff: methodology and recruitment targets for 2007 and senior and middle management EU-12; SEC(2007)0592/2).

The method of calculation of management recruitment targets as set out in section 3.1. should be applied separately at Director and Head of Unit (middle management) levels. The relative weight of Croatia (1.5%) will be applied to the overall number of Director- and Head of Unit-level functions in the Commission's organisation chart and the result of the calculation will be multiplied by 2/3. This will lead to the following targets:

- ***Senior Management recruitment target: 1 recruitment at Director-General level and 3 recruitments at Director level;***
- ***Middle management recruitment target: 13 recruitments.***

As was the case of EU-2 recruitment⁸, laureates of middle management competitions for Croatian nationals will be given the possibility to be recruited also as Advisers, Deputy Heads of Unit or Heads of Sector. It will be on the condition that the recruiting Director-General submits to DG HR a written commitment that the person concerned will be appointed to a middle management function at the latest by the end of the transition period, ideally but not necessarily earmarking a specific middle management function. The laureate concerned will be appointed to a middle management function by way of transfer in the interest of the service (Article 7 of the Staff Regulations). The initial recruitment as Adviser, Deputy Head of Unit or Head of Sector as well as the subsequent appointment to a middle management function would require an agreement of the Cabinets of the President, the Vice-President Responsible for Inter-Institutional Relations and Administration and the Portfolio Commissioner (simplified procedure). Such recruitment of an Adviser, Deputy Head of Unit or Head of Sector will be treated as recruitment of a middle manager and accordingly will be counted against:

- The overall AD target of the DG concerned;
- The AD target of the Commission;
- The middle management recruitment target of the DG concerned;
- The middle management recruitment target of the Commission.

⁸

Decision on the Possibility of Recruiting EU-2 Middle Management Laureates as Advisers, SEC(2009) 120; Decision on the Possibility of Recruiting EU-10 and EU-2 Middle Management Laureates as Advisers, deputy Heads of Unit or Heads of Sector; SEC(2009)1482;

3.6. *Targets by DG*

The College shall decide, in parallel with the annual resource allocation decision, on the distribution of recruitment targets by DG. This shall include the distribution of targets for the recruitment of middle and senior managers.

In order to ensure a reasonable spread of recruitments across the Commission and not just in those services that will receive new posts, it is proposed not to earmark new posts for enlargement allocated to DGs but to set recruitment targets by DG.

As far as non-management posts are concerned, the targets by DG and, within each DG, by function group shall be determined according to the following principles:

- The specific requirements of language services and, possibly, other services will be considered first;
- The remainder will be divided between the DGs (and within each DG by function group) on the basis of two criteria:
 - the first criterion, which has a weight of 60%, will be the number of additional posts for Croatia allocated to the DG in the resource allocation decision of the relevant year;
 - the second criterion, which has a weight of 40%, will be the DG's capacity to absorb recruits in each function group based on the total number of posts it has for officials and temporary agents (job quota).

In line with the established practice, no target for Director-General-level function is allocated to any DG, but a function is identified along the way by the College.

The calculation of DG-specific recruitment targets for Director and Principal Adviser functions shall be based on the following elements: size of a DG (number of Director and Principal Adviser functions); DGs' allocation of new posts; as well as DG-specific considerations for the Director and Principal Adviser population (such as proximity to retirement by jobholders) and the particularities of the organisational structure of DGs.

Likewise, the calculation of DG-specific recruitment targets for middle managers shall be based on the following elements: size of DGs (number of middle management functions); DGs' allocation of new posts; as well as DG-specific considerations for the middle management (such as proximity to retirement by jobholders) and the particularities of the organisational structure of DGs.

3.7. *Targets per year*

All new posts for Croatia should have been allocated by 2014. Specific targets per year will be confirmed on the occasion of annual allocation decisions.

3.8. *Reserves*

Recruitment targets will be indicative in the sense that they will be established

- on the assumption that 'the budgetary authority will confirm the financing of the additional resources required for enlargement'
- and under the following reserves:
 - if the number of additional posts allocated to the Commission is lower than requested or if the total number of Commission posts changes, following the adoption of the Multiannual Financial Framework 2014-2020, in particular due to the possible staff reductions, the targets may be modified to take account of these changes;
 - following the entry into force of amendments to the Staff Regulations, the Commission may adapt the recruitment targets accordingly;
 - the Commission may revise the targets in view of the externalisation of Commission services to agencies.

4. **MONITORING AND REPORTING**

4.1. *Monitoring*

In order to ensure that DGs take all necessary measures to reach their recruitment targets with regard to management and non-management staff and to allow for timely corrective measures, the College mandates DG HR to monitor enlargement recruitment and to take appropriate measures to meet the targets. Monitoring shall take place from the moment of accession and continue throughout the transition period. Both recruitments of officials and engagements of temporary agents shall be counted against the targets.

DG HR shall take account of, as one of the criteria, recruitment progress towards meeting the targets when examining DGs' proposals for reorganisation or their applications for the allocation of extra posts. As measures facilitating recruitment towards the targets, DG HR may request a DG to submit an absorption plan and may temporarily block internal mobility or other recruitments for the DG concerned.

4.2. *Reporting*

It is suggested to implement a simplified reporting mechanism based on one annual report to the Budgetary Authority in the framework of the annual budget procedure.

5. IMPLEMENTATION MEASURES

5.1. General measures

As already mentioned in section 2, under a derogatory regulation of the European Parliament and the Council, special measures for recruitment of Croatian nationals will be taken over a transition period of five years (1 July 2013 - 30 June 2018).

In order to maintain the high level of excellence among personnel within the Institution and to facilitate smooth integration of new staff members, the Commission wishes to attract and recruit candidates of the highest standard in terms of competence and qualifications, having regard to the principles of equal opportunities between men and women. To this end, the European Personnel Selection Office (EPSO) will implement rigorous selection procedures guaranteeing the same level of quality as achieved for recruitments in cases of past enlargements.

5.2. Selection procedure

For officials, general open competitions will be organised for Croatian nationals. Competitions for linguists will be run on the basis of language (Croatian). For senior management positions selections will be organised in accordance with normal Commission practice for such functions. For middle management functions, open competitions will be organised by EPSO. In addition, internal competitions may also be organised.

6. CONCLUSION

In agreement with the PRESIDENT, it is proposed to the College:

- to approve the overall approach including the indicative recruitment targets for Croatia;
- to mandate Vice-President Šefčovič to implement this Communication - if necessary recalculating the targets proportionally to reflect any changes in the overall number of Commission posts or its distribution between function groups - and to monitor its results.

ANNEX 1

Calculation of relative weight of Croatia as share of EU-28

	Criteria for calculation of Member States' relative weights						Rounded average of three criteria (relative weight)
	Population in millions ¹		Seats in European Parliament ²		Weighting of votes in Council ³		
Current Member States (EU-27)	502,5	99,1%	754	98,4%	345	98,0%	98,5%
Croatia	4,4	0,9%	12	1,6%	7	2,0%	1,5%
Total European Union after enlargement (EU-28)	506,9	100,0%	766	100,0%	352	100,0%	100,0%

¹ EUROSTAT: population in 2011, figures for some countries are provisional.

² Expected distribution of seats on 1 July 2013 according to the Accession Treaty of Croatia.

³ According to the Accession Treaty of Croatia.

ANNEX 2

Recruitment targets per function group

	Estimated situation (draft Budget 2013)	Croatia's share of posts reflecting its relative weight (1.5%)	Recruitment target (2/3 of Croatia's share of posts)
Total establishment plan posts¹	24944	374	249
Administrators (60% of target)			149
Assistants (40% of target)			100

¹ All the 9 establishment plans (Commission, Direct Research-JRC, Indirect Research, OP, OLAF, EPSO, OIB, OIL and PMO) as requested in the draft Budget 2013 (subject to the approval by the Budgetary Authority).

ANNEX 3

Management recruitment targets

	Estimated situation Draft Budget 2013 ¹	Croatia share of functions in relation to its weight (1.5%)	Recruitment target (2/3 of Croatia's share of functions)
Director-General-level functions²	89	1	1
Director-level functions	300	5	3
Middle management functions	1265	19	13
Total management functions			17
Non-management Administrator posts³			132
Total Administrators⁴			149

¹ All the 9 establishment plans (Commission, Research Direct Actions-JRC, Research Indirect Actions, OP, OLAF, EPSO, OIB, OIL and PMO) as requested in the Draft Budget 2013 (subject to the approval of the Budgetary Authority).

² Functions mean 'organisation chart functions'. Therefore, the basis for the calculation of middle and senior managers is the numbers of corresponding functions in the organisation chart.

³ Total Administrators - Total management functions.

⁴ As calculated in Annex 2.