

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(95) 22 final
Brussels, 08.02.1995

94/0259 (CNS)

Amended proposal for a

COUNCIL REGULATION (EC)

**introducing special and temporary measures applicable to the recruitment of officials
of the European Communities as a result of the accession of Austria, Finland and
Sweden**

(presented by the Commission pursuant to Article 189 A (2)
of the EC-Treaty)

Explanatory memorandum

On 16 November 1994, in anticipation of enlargement, the Commission adopted a proposal for a Regulation providing for certain temporary derogations from the Staff Regulations.

This proposal was sent to the Council on 25 November (doc. 11158/94).

At its part-session on 16 December Parliament approved the proposal subject to certain amendments.

As a result of the outcome of the deliberations in Parliament, changes need to be made to the Commission's original proposal (COM(94) 0496 final) to take account of two of these amendments, namely:

1. the insertion of a new recital noting the Commission's undertaking to present a proposal for a Regulation introducing special measures to terminate the service of officials and other servants of those institutions which so request;
2. provision for competitions based on qualifications and tests for all grades up to and including A3, in accordance with Annex III to the Staff Regulations.

The Commission is also suggesting certain changes to the wording of its original proposal which turned out to be necessary in the course of the discussions within the Council.

Amended proposal for a
COUNCIL REGULATION (EC)

introducing special and temporary measures applicable to the recruitment of officials of the European Communities as a result of the accession of Austria, Finland and Sweden

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing a single Council and a single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission, made after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Court of Justice,

Having regard to the opinion of the Court of Auditors,

Whereas, on the one hand, as a result of the accession of Austria, Finland and Sweden special measures derogating from the Staff Regulations of Officials of the European Communities should be adopted on a temporary basis; whereas, on the other hand, the Commission has undertaken to present a proposal for a Regulation introducing special measures for the termination of service of officials and temporary staff of those institutions which so request and whereas Parliament is requesting that such a proposal be put forward for its staff as a matter of urgency,

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding the second and third paragraphs of Article 4, Article 5(3), Article 7(1), the third paragraph of Article 27, Article 29(1)(a), (b) and (c) and Article 31 of the Staff Regulations of Officials of the European Communities, provision may be made until 31 December 1999 for vacant posts to be filled by Austrian, Finnish and Swedish nationals up to the limits set in the context of budgetary discussions within the institutions responsible.
2. Appointments to grades A3, A4, A5, A6, A7, A8, LA3, LA4, LA5, LA6, LA7, LA8, B1, B2, B3, B4, B5, C1, C2 to C5 and D1 to D4 shall be made after a competition based on qualifications and tests, organized in accordance with Annex III to the Staff Regulations.
3. Vacant posts shall be adequately advertised both inside and outside the Community institutions.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

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