

ANNEX III TO DECISION No GB/2021/3

RULES APPLICABLE TO CHANGES IN ENGAGEMENT FOLLOWING A CONTRACT WITH THE ECCC OR WITH ANOTHER UNION AGENCY OR INSTITUTION

I — Successive contracts within the same function group

Article 1 — Successive CA 3a contracts within the same function group

A CA 3a who concludes a CA 3a contract with the ECCC in the same function group immediately after a CA 3a contract with another Union agency or institution, will be subject to the following rules:

1. He or she will not be subject to the selection tests referred to in Article 2(2)(c), or Article 3(6) of Annex I if he or she successfully passed equivalent selections tests before being engaged by the other Union agency or institution. The AACC decides whether the selection tests passed in another Union agency or institution are deemed to be equivalent to selections tests referred to in Annex I.
2. He or she will be invited by the ECCC wishing to engage him or her to an interview before a selection committee in accordance with Article 2(2)(d), or Article 3(6) of Annex I.
3. If the CA 3a was confirmed in his or her duties by the other Union agency or institution at the end of the probationary period provided for in Article 84 of the CEOS, he or she will be exempt from the requirement to serve another probationary period.

If the CA 3a did not serve the probationary period provided for in Article 84 of the CEOS in the other Union agency or institution, did not complete it or was not confirmed in his or her duties at the end of the probationary period, he or she will have to serve the whole of the probationary period at the ECCC under the conditions set out in Article 9 of the Decision.

4. For the purposes of Article 7 of the Decision and, when applicable, taking into account specific provisions of Article 7(3) thereof, the number of contracts concluded previously with the other Union agency or institution will be taken into account by the ECCC when the new contract is being concluded, except in the case provided for in paragraph (3).

This means that a CA 3a who had an indefinite contract with the other Union agency or institution will also be engaged for an indefinite period by the ECCC.

5. Pursuant to Article 86(2), third subparagraph, of the CEOS, the CA 3a will be classified in the most favourable grade resulting from:
 - the maintenance of his or her grade, step and seniority within the grade and step during his or her previous contract; or

- the grading in accordance with Article 5 of the Decision.

Article 2 — CA 3a contract succeeding a CA 3b contract within the same function group

A CA 3b who concludes a CA 3a contract with the ECCC in the same function group immediately after a CA 3b contract with a Union institution, will be subject to the following rules:

1. He or she will not be subject to the selection tests referred to in Article 2(2)(c) or Article 3(6) of Annex I if he or she successfully passed equivalent selections tests before being engaged by the previous Union institution. The AACC decides whether the selections tests passed in the previous Union institution are deemed to be equivalent to selections tests referred to in Annex I of this Decision.
2. He or she will be invited by the ECCC wishing to engage him or her to an interview before a selection committee in accordance with Article 2(2)(d) or Article 3(6) of Annex I.
3. He or she will be required to serve the probationary period provided for in Article 84 of the CEOS at the ECCC under the conditions in Article 9 of the Decision.
4. For the purposes of Article 7 of the Decision, the AACC will conclude a new CA 3a contract.
5. He or she will be classified in the function group in accordance with Article 5 of the Decision.

II — Successive contracts in a different function group

Article 3 — Successive CA 3a contracts in different function groups

A CA 3a who concludes a CA 3a contract with the ECCC in a different function group immediately after a CA 3a contract with the ECCC or another Union agency or institution, will be subject to the following rules:

1. He or she must pass the selection procedure set out in Article 2 or 3 of Annex I.
2. He or she will be required to serve the probationary period provided for in Article 84 of the CEOS at the ECCC under the conditions in Article 9 of the Decision.
3. For the purposes of Article 7 of the Decision, the number of contracts previously concluded with the other Union agency or institution will not be taken into account by the ECCC when concluding the new contract, except where the CA 3a had an indefinite contract with the other Union agency or institution, in which case he or she will also be engaged by the ECCC for an indefinite period in the new function group.

4. As regards classification in the function group:

- a) If the engagement is in a higher function group than the one to which he or she belonged in the other Union agency or institution, the CA 3a will be classified in his or her function group at the most favourable grade resulting from:
 - the application of Article 86(2), second subparagraph, of the CEOS, using the lowest grade taking into account the steps; or
 - the grading in accordance with Article 5 of the Decision.
- b) If the engagement is in a lower function group than the one to which he or she belonged in the other Union agency or institution, the CA 3a will be classified in accordance with Article 5 of the Decision.

Article 4 — CA 3a contract succeeding a CA 3b contract in a different function group

A CA 3b who concludes a CA 3a contract with the ECCC in a different function group immediately after a CA 3b contract with a Union institution will be subject to the following rules:

1. He or she must pass the selection procedure set out in Article 2 or 3 of Annex I to the Decision.
2. He or she will be required to serve the probationary period provided for in Article 84 of the CEOS at the ECCC under the conditions in Article 9 of the Decision.
3. For the purposes of Article 7 of the Decision, the AACC will conclude a new CA 3a contract.
4. He or she will be classified in the function group in accordance with Article 5 of the Decision.

III — Horizontal provision

Article 5 — Horizontal Provision

For the application of the provisions of Article 1(5), Article 2(5), Article 3(4), Article 4(4), the AACC may take into account the classification of the contract staff when deciding whether to engage him or her.