

**Lukasz Wardyn**

# **Internal Competitions in the European Commission**

# LEGAL BASIS

## Art 29 of the SR

- While maintaining the principle that the vast majority of officials are to be recruited on the basis of open competitions, the appointing authority may decide **by way of derogation** from point (d) and **only in exceptional cases** to hold a competition internal to the institution which shall **also be open to contract staff** as defined in Articles 3a and 3b of the Conditions of Employment of Other Servants of the European Union.

## Art 82.7 of the CEOS

- Contract staff in function groups II, III and IV may be authorised to take part in internal competitions only **after having completed three years of service** in the institution. Contract staff in function group II may have access only to competitions **at grades** SC 1 to 2, in function group III at grades AST 1 to 2 and in function group IV at grades AST 1 to 4 or at grades AD 5 to 6. The total number of candidates who are members of the contract staff and who are appointed to vacant posts at any of those grades shall **never exceed 5 %** of the total number of appointments to those function groups made per year.

# What's Generation 2004 already done?

- Regularly voicing our concerns and pointing out **discrimination, unequal treatment and lack of career opportunities** including internal competitions for certain staff categories
- Generation 2004 demanded
  - ✓ **inclusion of potentially eligible candidates - currently 16 044**
  - ✓ **increase number of internal competitions and provide planning**
- Included these demands in our **comprehensive New HR Strategy proposal & elections manifesto**
- **Sent a number of notes to DG Ingestad, Commissioner Hahn, Commissioner Oettinger**
- **Position paper in 2012**

# 2021 internal competition

- **AD5 - eligibility**
  - Only AD5 TA

Staff Category	Eligible staff	Non-eligible staff
Official ASTs		7144
Official AST-SCs		512
Contract Agents		7433
Temporary ASTs		398
Temporary AST-SCs		557
Temporary ADs	882	
<b>TOTAL</b>	<b>882</b>	<b>16 044</b>

# INTERNAL COMPETITIONS FOR ADS

- **Discrimination in internal competitions based on the job performed**
  - e.g. last end-of-Commission competition (2018)
- **COM/1/AD7/18 (AD7) - COM/2/AD8/18 (AD8)**  
Administrators in the following fields:
  1. Policy development and management, programme management, project development
  2. Law
  3. Economics, audit, statistics
  4. Human resources and budget management, coordination, communication
- Staff working in other sectors excluded: **linguists (translators and interpreters), IT, etc.**
- **Commissioner Oettinger** replied confirming this approach

# INTERNAL COMPETITIONS FOR CAs

- CAs systematically excluded from internal competitions open for TAs (i.e. 2021, 2020)
- Last Internal competitions open for ADs, TAs and CAs - 2018 (AD6, AST2 and AST-SC2)

## Eligibility criteria:

- at least **36 months** not necessarily consecutive at the Commission as FO, AT, or CA; and
- **12 last months** in the Commission ("active employment"); and
- **last 6 months** in the FG of the competition or higher.

# INTERNAL COMPETITIONS FOR ASTs I

- In 2018 COM/AST4/18 (AST4)
  - ✓ Assistants in the following fields:
    1. Management of resources (human, financial, computer, equipment, communication)
    2. Management of programmes, projects, cases, contracts
    3. Personal assistant
  - ✓ Eligibility - 12 months as Official, TA, CA => 6 months as AST
  - ✓ Tests - Talent screener+ oral exam
  - ✓ The same year **excluded from AD6** competition
- In 2016 COM/02/AST/16 (AST2)
  - Tests - verbal, numerical, abstract, professional skills
  - The same year **excluded from AD6** competition

## INTERNAL COMPETITIONS FOR ASTs II

- In 2013 COM/1/AST3/13 (AST3)
- In 2013 COM/2/AST4 /13 (AST4)
  - ✓ Assistants in the following fields:
    1. Resource management (human, financial, IT, equipment, communication)
    2. Management of programs, projects, cases, contracts
  - ✓ Eligibility - 2 years - official, TA, CA, auxiliary agent, seconded national expert or LA, with an institution European Union, body or other entity + last 12 months as AST or TA
  - ✓ Tests - numerical, verbal, abstract
  - ✓ The same year **excluded from AD7** competition
- Last time ASTs were eligible for AD competitions in 2008 -  
**COM/INT/EU10/08/AD5**

## INTERNAL COMPETITIONS FOR AST-SCs

- In 2016 and 2018 EC internal competitions, AST/SC staff were allowed to apply for AST/SC2 posts only and excluded from applying for AST posts.
- The legal basis for internal competitions applicable to officials AST/SC staff is Article 29(1)(d) Staff Regulations.
- There are no Staff Regulations provisions that prohibit or limit the participation of officials AST/SC staff in internal competitions.
- It is exactly because there are **no legal restrictions**, other EU institutions - the European Parliament, the Court of Justice, and the Committee of the Regions - allow AST/SC staff to apply for AST posts in their internal competitions.

# INTERNAL COMPETITIONS FOR TAs

- TA AD always eligible
- 'Parachutage' at the end of the Commission mandate (e.g., 2018)

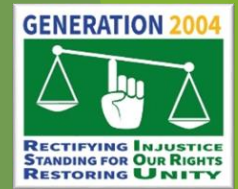
## What's your situation?

- Are you **CA, AST, or AST-SC** & frustrated?
- **Have you no career opportunities to advance?**
- Have you been repeatedly assured by your hierarchy that **“there is no difference between AST-AD”** in terms of work assigned?
- Are you an AST-SC working on AST tasks or higher?
- Will you have to leave the Commission **after 6 years?**
- Are you not eligible for **certification?**
- Were you furious to discover that in full contrast to such statements you were **not even considered eligible for the last internal AD competition?**

# What can we do to help you?

- You have to apply even if not eligible - complete documents
- Appeal the rejection letter
- Article 90(2) complaint - either one or two
- We bring the case to the court
  - ✓ currently consulting our external lawyer
- Launch a petition to the European Parliament
- Ask friendly MEPs to address oral/written questions to EC
- Send a note to Commissioner Hahn / DG Ingestad
- Discuss the situation in the Central Staff Committee and take a common action with the other trade unions

# Our Communication



**GENERATION 2004**  
RECTIFYING INJUSTICE  
STANDING FOR OUR RIGHTS  
RESTORING UNITY

Home Elections About Us Issues Features Newsletters Events Key documents Join us!

### Finally - reimbursement of teleworking costs

© 18/11/2020 COVID-19, Health, Newsletter - 2020-11-18, Teleworking, Working conditions

**COVID-19**

- Sign the petition on a coronavirus special leave for parents with children
- All our articles on COVID-19 and related matters

Yes, we can! This is the bottom line of this article. Yes, we can convince the Commission to do the right thing, even if it takes a lot of pressure (and more pressure) and notes (and more notes). After many discussions and meetings, DG HR has agreed in its Coronavirus update #23 to reimburse the

Sat 24/10/2020 02:22

**REP PERS OSP GENERATION 2004**

Telework from outside your place of employment. Burnout prevention training and more...

To: REP PERS OSP GENERATION 2004

Retention Policy EC Automated Email Deletion - Inbox (6 months)

Expires: 25/04/2021

## Generation 2004 Newsletter

23 October 2020

In this issue we open with the hot topic of the season: Teleworking from outside of your place of employment! A topic as hot as the number of different opinions about it, a situation that led us to launch a survey to get a real pulse of the situation.

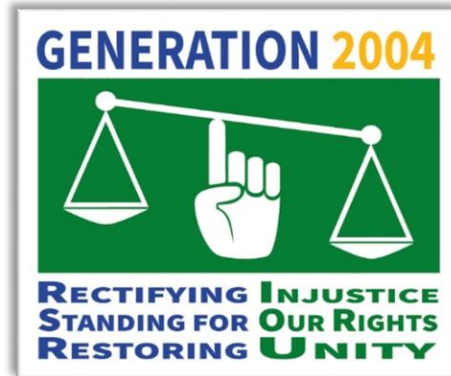
We also cover a topic that, with the ever increasing number of fixed-term contact staff, becomes more and more relevant, the transfer out of pensions from the Commission system to other systems... [Read more](#)

### Do you want to be able to telework from outside your place of employment?

You have shown that teleworking is possible, but do you want more of it and are you being consulted?

Article 20 of the Staff Regulations stipulates that 'An official shall reside either in the place where he is employed or at no greater distance therefrom as is compatible with the proper performance of his duties. The official shall notify the Appointing Authority of his address and inform it immediately of any change of address.' ... [Read more](#)

### Take Our SURVEY!



Call our office on: **+32 229 98850**

Send us an email: **REP-PERS-OSP-GENERATION-2004@ec.europa.eu**



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