

Dear Ms Válková,

Thank you for your note of 13 May 2026 concerning **Classification in grade of CA3Bs** and in particular, the re-engagement within the six-year maximum duration referred to in Article 88 of the Conditions of Employment of Other Servants (hereafter CEOS).

First, contract agents recruited under Article 3a and Article 3b of the CEOS constitute two distinct populations, subject to substantially different logics and consequently rules. Contract agents under Article 3a are engaged for functions linked to longer-term needs and follow for a legal framework that mirrors, to a certain extent, the potentially life-long relationship with the EU institutions. By contrast, contract agents under Article 3b are recruited for limited-duration functions, subject to the maximum duration of 6 years in each institution. In this respect, it should be noted that at recruitment, Article 3b staff benefit from a wider grading margin than Article 3a staff (See Article 5 (6) Commission Decision C(2017)6760 (GIPs)).

The temporary nature of contracts under Article 3b CEOS is translated in the fact that the grade is determined at the moment of recruitment and remains fixed thereafter. The legal framework applicable for the classification of 3b contract agents is set out by Article 89 of the CEOS, which specifies that *“Contract staff referred to in Article 3b may be recruited to any grade of function groups II, III and IV as referred to in Article 80, taking into account the qualifications and experience of the persons concerned”*. The Decision C(2017)6760 implemented in a transparent manner the grid and offers the possibility for derogations for highly specialised profiles.

While the professional experience acquired prior to recruitment may be considered for the purpose of determining the step within the grade, this does not alter the grade itself. Seniority is therefore recognised through step advancement rather than through subsequent reclassification in grade. Once the grade is fixed for contract agents under Article 3b, they keep this grade. The recognition of the acquired seniority is done by means of advancement in step within their grade.

While the general rule for contract agents under Article 3b is to stay in the same grade throughout their contract, the GIPs provides a special provision in Article 5 (6). The grade of contract agents under Article 3b recruited at base grade can be recalculated after three years. Should they have the required years of qualifications and professional experience, they might receive a higher grade.

If I understand correctly, your note enquires about the situation of a contract agent under Article 3b that did not complete the six years and subsequently seeks re-engagement to fulfil the remaining period of the 6-years. In this context, it should be noted that ending the existing contract to be re-recruited in the same function group to exercise the same function with the sole objective to receive a higher grade might be considered as a misuse of procedure and it would circumvent the spirit of Article 5 of the GIPs.

It should also be noted that we observe that the contract agents under Article 3b performing strongly are often changing to higher functions groups. In practice, such transitions occur and concern a non-negligible number of staff.

I remain available for any question that you may have.

Mojca Boltin