

The anti cumulation rule

Purpose of the rule

- Forbids staying long term at the service of the **Commission** through a succession of contracts
- Defines the maximum duration for the recourse to non-permanent staff in the **Commission services**
- Coherent with the *Temporary Agency Work Directive* (Nov 2008)



Mandatory rule

- This rule is mandatory
- But, in the interest of the service, the authority authorised to conclude the contract may extend a contract or grant a new contract beyond the maximum duration set by this rule.

Applies to...

- Commission (DG and other services)
- Offices, incl. EPSO PMO, OIB... and Publication Office
- OLAF
- But not to other EU institutions
- EU Executive Agencies may define their own rules

OLAF TA have special rules

Time worked in Executive Agencies is **not** counted



Applies to non-permanent staff...

- Temporary staff (art 2a, b, d of COE)
- Contract Agents (art 3b fixed term contracts; 3a without a CAST)
- Individuals under a private law service contract (directly or through service companies)

Does not apply to ...

- Direct employment contracts under private law (i.e. projects in third countries)
- Seconded National experts **NEW**
- Employment Agency staff (Intérimaires) **NEW**
- Contract Agents 3a (indefinite contracts)
- Conference interpreters
- OLAF Temporary staff have special rules

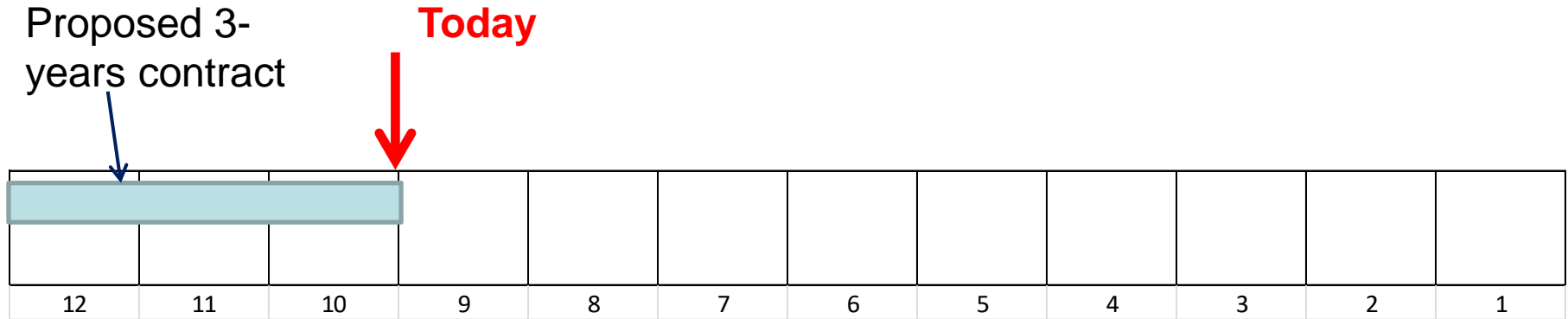


Maximum duration

- The maximum duration of engagement is **seven years over a twelve year period.**
- This rule does not change other limitations on successive contracts :
 - 6 years for Contract Agents 3b (fixed term contracts)
 - 3 years for intérimaires

The twelve year period

- Starts from the **end** of the new proposed contract



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Contracts taken into account

- Past contracts with :
 - The Commission (DG and services), offices, OLAF, Publication office

Irrespective of the place of employment (delegations, representations, outside Com premises), incl Private Law service contracts

- But not contracts with other EU institutions

This work experience is used to evaluate grading



Duration of contracts

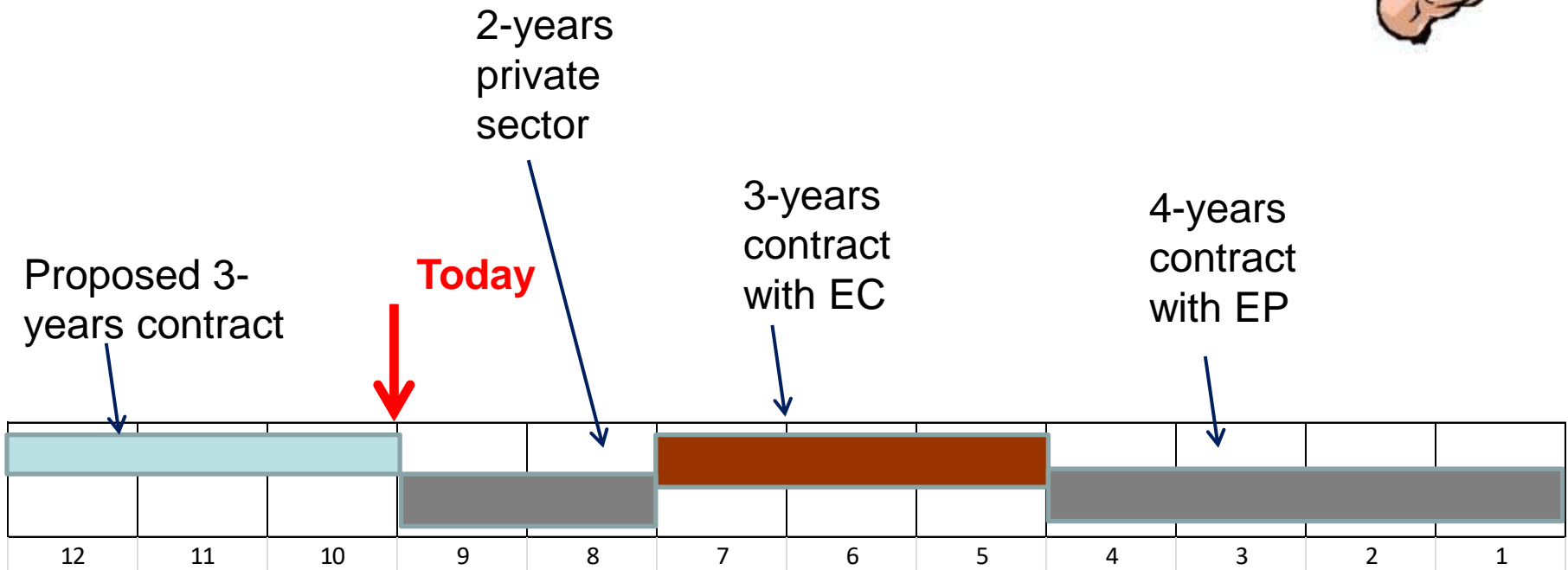
- Calculated in days
- Equivalences : 1 month = 20 days ; 1 year = 220 days; 7 years = 1540 days
- One day worked part time = 1 full day
- A period of tailored part time is a full worked period
- Leave and sickness interruptions are considered as worked if happen during an active contract
- In case of service contracts, invoiced days are counted
- For contracts partially within the 12 years, only the part included in this period is counted

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Regulation 1049/2001



Example 1



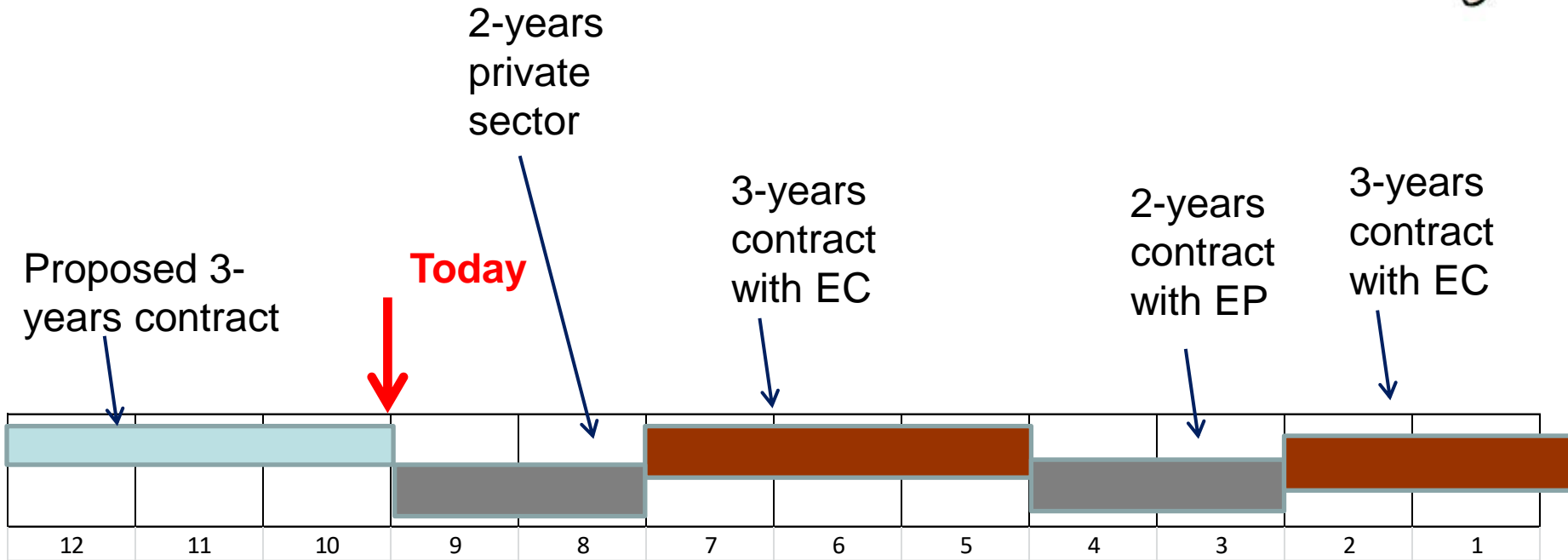
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OK ! $6 \times 220 = 1320$ days < 1540 days (7 years)

Should be strictly less than 1540 days !

Exemple 2



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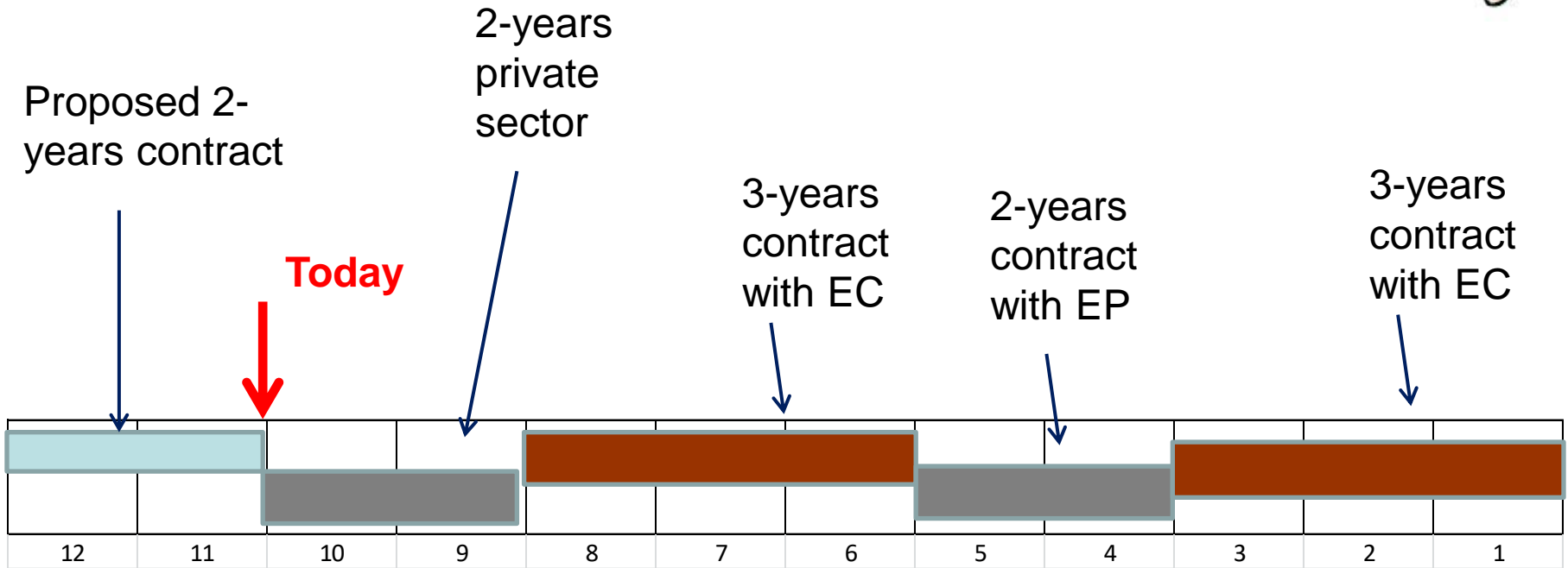


NOK ! $8 \times 220 = 1760$ days > 1540 days (7 years)

Exemple 2 bis



Would a 2 years contract do ?



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NOK ! $8 \times 220 = 1760 \text{ days} > 1540 \text{ days (7 years)}$

Acquisition of pension rights

- 10 years minimum for a EU pension
- <10 years : lump sum(s) paid to a national pension fund
 - Intermittent service : The Administration will keep track of your activity (keep your own payslips !)
 - At pensionable age: request a Transfer OUT
- > 10 years : in addition to your EU pension, you can request a Transfer IN





Pour en savoir plus

Bases légales:

- C(2004)1597/6 and amendments
- Projet de décision 2019

Lexique

AIPN : autorité investie du pouvoir de nomination - au sens large (Appointing Authority)

AHCC: autorité habilitée à conclure les contrats d'engagement

OLAF : European Anti-Fraud Office

CCP : Comité central du personnel

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