III

(Preparatory acts)

COURT OF AUDITORS

OPINION No 7/2012

concerning a proposal for a regulation of the European Parliament and of the Council introducing, on the occasion of the accession of Croatia, special temporary measures for the recruitment of officials and temporary staff of the European Union

(pursuant to Article 336, TFEU)

(2012/C 364/01)

THE COURT OF AUDITORS OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 336 thereof,

Having regard to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union (hereinafter 'the Staff Regulations') ([1]),

Having regard to the Commission proposal of 17 August 2012 ([2]),

Having regard to the request of the Council for an opinion on the abovementioned proposal, received at the Court on 11 September 2012,

Having regard to its previous opinions ([3]),

Whereas pursuant to Article 4 of the Staff Regulations, vacant posts in an institution shall be notified to the staff of that institution once the appointing authority decides that the vacancy is to be filled, and, if a vacancy cannot be filled by transfer, appointment to a post in accordance with Article 45a of the Staff Regulations or promotion, it shall be notified to the staff of the other institutions, and/or an internal competition shall be organised, in accordance with the procedures laid down in Article 29 of the Staff Regulations;

Whereas pursuant to Article 7 of the Staff Regulations the appointing authority shall act only in the interest of the service and without regard to the nationality;

Whereas pursuant to Article 27 of the Staff Regulations no posts shall be reserved for nationals of any specific Member State;

Whereas on the occasion of the accession of Croatia on 1 July 2013, the Commission proposes to derogate from the Staff Regulations by allowing to organise competitions for the selection of officials from Croatia on a national basis and by allowing to fill vacant posts with Croatian nationals without advertising vacant posts within the institutions;

Whereas the Commission proposes that these derogations apply *mutatis mutandis* to the recruitment of Croatian nationals as temporary staff;

Whereas the Commission proposes that these derogations apply from the actual date of accession of the country concerned until 30 June 2018,

([1]) Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ 45, 14.6.1962, p. 1385/62).

([2]) COM(2012) 377 final.

([3]) Opinion No 5/2012 (OJ C 205, 12.7.2012, p. 1), Opinion No 3/2006 (OJ C 273, 9.11.2006, p. 1), Opinion No 1/2004 (OJ C 75, 24.3.2004, p. 1), Opinion No 5/2003 (OJ C 224, 19.9.2003, p. 11).

HAS ADOPTED THE FOLLOWING OPINION:

The Court has no comments on the Commission's proposal.

This Opinion was adopted by Chamber IV, headed by Mr Louis GALEA, Member of the Court of Auditors, in Luxembourg at its meeting of 23 October 2012.

For the Court of Auditors
Vítor Manuel da SILVA CALDEIRA
President