

**ANNEX to the DECISION of the COMMISSION
9 November 2001**

[\(modifying annex 1 of the 21th january 1998 decision \)](#)

APPOINTING AUTHORITIES

Final Version. EN

APPOINTING AUTHORITIES

I. FILLING VACANT POSTS

SUBJECT	Article of the Staff Regulations	Commission	Commission Member responsible for personnel and administration	Director-General for Personnel and Administration	Director(s)-General concerned
1. Vacancy notice. Determining of level	4, 2nd para.	A1		A3 (2)	A4-5 AHU
Decision - to publish					A2(3) - A4-8-B-C-D
					A3
2. Procedure for filling a vacant post					
- consideration of possibility of: promotion	29 (1)(a)	A1 - A2		A3* -8 - B - C - D	A3** (3)
- transfers between DGs (on demand)	29 (1)(a)	A1 - A2		A4-8 - B - C - D	(6) - A3 (3) - A4-5 AHU
- transfers within a DG (on demand)	29 (1)(a)	A1 - A2			A3(3)- A4-5 AHU(5) A4-8 - B-C-D
- transfers between DGs (transfers in the interest of the service)	7 (1)	A1 - A2		A3 - A4-5 AHU A4-8 - B - C - D	
- transfers within a DG (transfers in the interest of the service)	7 (1)	A1			A2 - A3-4-5 AHU A4-8 - B-C-D
- consideration of possibility of internal competition	29 (1)(b)	A1 - A2		A3 - 8 - B - C - D	
adoption of INTERNAL vacancy notice	Annex. III. art. 1			A3 - 8 - B - C - D	
- consideration of possibility of transfer	29 (1)(c)	A1 - A2		A3-4-5 AHU A4-8 - B - C - D	
- open competition	29 (1)	A1 - A2		A3-8 - B - C - D	
adoption of notice of open competition	Annex. III. art. 1	A1 - A2		A3-8 - B - C - D	
3. Competition :					
- internal competition - adoption of notice of competition	29 (1)	A1 - A2		A3 - 8 - B - C - D	
- open competition - adoption of notice of competition	29 (1)	A1 - A2		A3-8 - B - C - D	
- interinstitutional competition - adoption of notice (1)	Annex. III. art. 1	A1 - A2		A3-4-5 AHU A4-8 - B - C - D	
4. Appointment following a competition or assignment to post	30, 2nd para, 7(1)	A1 - A2		A3-4-5 AHU A4 - 8 - B - C - D	
5. Adoption of application form	Annex. III . art. 2			A - B - C - D	
6. Appointment of chairman and members of selection board For interinstitutional competitions:	Annex. III . art. 3			A - B - C - D	
- if the Commission is the institution responsible					
- if the Commission is not the institution responsible					
7. Drawing up of list of candidates	Annex. III . art. 4			A - B - C - D	
8. Recruitment otherwise than by competition	29 (2)	A1 - A2 (4)		A3-4-5 AHU A4 - 8 - B - C - D	

A3* Second filière

(1) If the Commission is the lead service (when the Commission is not the lead service, the other Institution is delegated by the Appointing Authority)

(2) DG ADMIN on demand of the Director-General concerned.

A3**Following a vacancy notice

A3-4-5 AHU = Advisers and Heads of Unit

(3) Simplified procedure

(4) If the decision is taken after an internal publication: simplified procedure

(5) If, after intervention of the rapporteur, the post is submitted to the CCN: simplified procedure

(6) Appointing Authority = originating DG

APPOINTING AUTHORITIES

II. RECRUTEMENT

SUBJECT	Article of the Staff Regulations	Commission	Commission Member responsible for personnel and administration	Director-General for Personnel and Administration	Director(s)-General concerned
1. Exemption from the requirement of being a national of a Member State	28 a)	A1 - A2	A3 - 4 - 5 AHU	A4 - 8 - B - C - D	
2. Determination of grade and step within grade	31 + 32 ; 98		A1-A2 (1)	A3-4-5 AHU A4 - 8 - B - C - D	
3. Pre-recruitment medical examination; membership of Medical Committee	33			A - B - C - D	
4. Probationary period - extension	34 (1)			A3-4-5 AHU A4 - 8 - B - C - D	
- establishment	34 (1)			A3-4-5 AHU A4-8 -B-C-D	
5. Suspension of admission to benefits in respect of invalidity or death.	Ann. VIII . art. 1			A - B - C - D	
6. Reinstatement of official no longer satisfying requirements for payment of invalidity pension	Annex VIII Art. 14, 2nd para.	A1 - A2		A3-4-5 AHU A4 - 8 - B - C - D	

A3-4-5 AHU = Advisers and Heads of Unit

(1) only for the step of grade

APPOINTING AUTHORITIES

III. CAREER

SUBJECT	Article of the Staff Regulations	Commission	Commission Member responsible for personnel and administration	Director-General for Personnel and Administration	Director(s)-General concerned					
1. Temporary posting	7 (2)	A1 - A2		A3-4-5 AHU (1) A4 - 8 - B - C - D						
2. Promotion Drawing up of lists . - establishment of acts	45 (1)	A1 - 2		A3-8 - B - C - D						
				A - B - C - D						
4. Transfer to higher category	45 (2);			B vers A C vers B D vers C						
4. Transfer to another service. (decompartmentalisation)	45 (3)			A4 - 8	A3 - 4 - 5 AHU (1)					
5. Secondment in the interests of the service (*).	37 (a); 38	A1 - A2		A3 - 4 - 5 AHU A4 - 8 - B - C - D						
						For the Head of Cabinet and the Deputy-Head of Cabinet: this power is delegated to the Member of the Commission responsible for questions of personnel and administration, in agreement with the President, if it regards secondments to a member of the Commission. The originating Directorates-General are notified.				
						For a member of the Cabinet: this power is delegated to Director-General of Personnel and Administration, who informs the President's Cabinet and the originating Directorate-General, if it regards secondments to a member of the Commission. For secondment of OLAF officials, OLAF must give its consent.				
6. Secondment on request : - grant of licence, prolongation	37 (b); 39	A1 - A2			A3-8 - B - C - D					
						- reintegration	39 (e)	A1 - A2		A3 - 4 - 5 AHU A4 - 8 - B - C - D
7. Leave on personal grounds: - granting - extension - reinstatement	40	A1 - A2			A3 - 8 - B - C - D					
		A1 - A2		A3-4-5AHU A4 - 8 - B - C - D						
- acquisition of pension rights	40, 83			A - B - C - D						
8. Non-active status.	41		A - B - C - D							
9. Leave for military service.	42, 1st para.				A - B - C - D					

(1) Simplified procedure apart from a transfer within the same Directorate General

(*) Concerning the supply of officials according to the decision of 5th January 1995, the powers of the Appointing Authority are within the jurisdiction of the Director-General of DG ADMIN.

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III. CAREER (contd)

SUBJECT	Article of the Staff Regulations	Commission	Commission Member responsible for personnel and administration	Director-General for Personnel and Administration	Director(s)-General concerned
10. Grading in a lower category/grade due to professional incompetence.	51	A1 - A2		A3-8 - B - C - D (1)	(1).
11. Advancement in step for exceptional merit	97(1)		A3 - 8	B - C - D	
12. Deferment of advancement in step	97(2)		A3 - 8	B - C - D	
13. Exemption from length of service requirement (minimum seniority) in Article 45 . 1	98, 3rd para.	A1 - 3	A4 - 8	B - C - D	

(1) These powers are exercised jointly for each delegation by the Director-General for Personnel and Administration, the Director-General for whom the official or temporary agent concerned works and a third Director-General appointed by the Secretariat General. The joint decision is taken by a majority vote of these three Directors-General.

APPOINTING AUTHORITIES

IV. TERMINATION OF SERVICE

SUBJECT	Article of the Staff Regulations	Commission	Commission Member responsible for personnel and administration	Director-General for Personnel and Administration	Director(s)-General concerned
1. Dismissal during or at the end of probationary period	34(2)			A3-4-5AHU A4 - 8 - B - C - D (1)	
2. Resignation	48	A1 - A2		A3-4-5 AHU A4 - 8 - B - C - D	
3. Compulsory resignation	49	A1 - A2		A3-4-5 AHU A4 - 8 - B - C - D (1)	
4. Retirement in the interests of the service	50	A1 - A2			
5. Dismissal for incompetence	51	A1 - A2		A3-8 - B- C - D (2)	(2).
6. Invalidity	53			A-B-C-D	
7. Honorary rank	54	This power is delegated to the Member responsible for personnel and administration. (3)			

A3-4-5 AHU = Advisers and Heads of Unit

(1) For A4 - 8 these powers are exercised following consultation of the Member responsible for personnel and administration.

(2) These powers are jointly exercised for each delegation by the Director-General for Personnel and Administration, the Director-General for whom the official or temporary agent concerned works, and a third Director-General, designated by the Secretariat-General. A joint decision is taken by a majority vote of these three Directors-General.

(3) After informing the Director-General concerned, the Secretary-General and the CCN

APPOINTING AUTHORITIES

V. RIGHTS AND OBLIGATIONS

SUBJECT	Article of the Staff Regulations	Commission	Commission Member responsible for personnel and administration	Director-General for Personnel and Administration	Director(s)-General concerned
1. Permission to accept payment	11, 2nd para.			A1-3	A4-8 - B - C - D
2. Permission to accept an honour, favour or gift	11, 2nd para.		A1 DG (1)		A - B - C - D (2)
Permission to accept a decoration				A1-8 - B - C - D	
3. Permission to engage in an outside activity or carry out an assignment	12, 3rd para.			A1-3	A4-8-B-C-D
4. Assessment of spouse's gainful employment	13			A1-8 - B - C - D	
5. Assessment of personal interest	14			A1-8 - B - C - D	
6. Assessment of situation of official elected to public office	15, 1st and 2nd para.			A-B-C-D	
7. Prohibition of acceptance of certain duties after leaving the service	16			A-B-C-D	
8. Permission to publish (see point 1)	17, 2nd para.		A1 DG (1)		A - B - C - D (2)
9. Permission to disclose information in legal proceedings	19, 1st para.			A - B - C - D	
10. Disputes concerning privileges and immunities	23, 2nd para.			A - B - C - D	
11. Special decision to issue laissez-passer	23, 3rd para.			A - B - C - D	
12. Publication - Euratom	94, 2nd para.		A1 DG (1)		A - B - C - D (2)
13. Appeals	90 2nd para			A - B - C - D (3)	

(1) This power is delegated to the Member of the Commission responsible for the Unit to which the official belongs.

A1 DG: A1 officials Directors-General.

(2) Except for A1 staff Director-General.

(3) Except if the contested decision was taken:

- at the level of the Director-General for Personnel and Administration and if he, himself, did not subdelegate his power: the Appointing Authority is the Member of the Commission responsible for Personnel and Administration.

- at the level of the Member of the Commission responsible for Personnel and Administration or the Commission: the Appointing Authority is the Commission

APPOINTING AUTHORITIES

VI. DISCIPLINE

SUBJECT	Article of the Staff Regulations	Commission	Commission Member responsible for personnel and administration	Director-General for Personnel and Administration	Director(s)-General concerned
1. Personal liability in cases of grave misconduct	22, 2nd para.	A1 - A2		A3-8 - B - C - D (1)	(1).
2. Commencement and hearing of procedure	86 87, 1st and 2nd para.		A1-A2	A3-8 - B - C - D	
3. Referral to Disciplinary Board	87 para (2) and Annex. IX. art. 1	A1 - A2		A3-8 - B - C - D	
4. Preliminary hearing after consulting Disciplinary Board	Annex IX. 7th para (3)	A1 - A2		A3-8 - B - C - D (1)	(1).
5. Measures without or after consulting Disciplinary Board	87, 1st and 2nd para. Annex IX 7th para (3)	A1 - A2		A3-8 - B - C - D (1)	(1).
6. Reopening of proceedings where new facts emerge	Annex IX Art. 11	A1 - A2		A3-8 - B - C - D	
7. Suspension for serious misconduct	88	A1 - A2		A3-8 - B - C - D	
8. Deletion of measure from personnel file	89, 2nd para.	A1 - A2		A3-8 - B - C - D	

(1) These powers are jointly exercised for each delegation by the Director-General for Personnel and Administration, the Director-General for whom the official or temporary agent concerned works, and a third Director-General, designated by the Secretariat-General. A joint decision is taken based on a majority vote of these three Directors-General.

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VII. WORKING CONDITIONS

SUBJECT	Article of the Staff Regulations	Commission	Commission Member responsible for personnel and administration	Director-General for Personnel and Administration	Director(s)-General concerned
1. Normal working week	55, 2nd para.	A - B - C - D			
2. Special working hours	55, 2nd para.			A - B - C - D	
3. Half-time work	55a Annex IVa Art. 2	A1 - A2			A3 - 8 B - C - D
4. Authorisation of night work and work on Sundays and public holidays	56; 1st para.				A - B - C - D
5. Constraints because of the exigencies of the service or safety rules	56b			A - B - C - D	
6. Special leave (individual cases)	57, 2nd para. Annex V Art. 6				A - B - C - D
7. Special leave (general)	57, 2nd para. Annex V Art. 6			A - B - C - D	
8. Travelling time - annual leave	Annex V Art 7 3rd and 5th paras.				A - B - C - D
9. Travelling time - special leave	Annex V Art. 7 6th para.				A - B - C - D
10. Requirement to take leave	59 (2) and (3)			A - B - C - D	
11. Annual medical check-up, fixing of maximum fees	59(4)			X	
12. Unauthorised absence	60, 1st para.				A - B - C - D
13. Authorisation to spend sick elsewhere than at the place of employment.	60, 2nd para.				A - B - C - D

APPOINTING AUTHORITIES

VIII. SALARIES AND WELFARE BENEFITS

SUBJECT	Article of the Staff Regulations	Commission	Commission Member responsible for personnel and administration	Director-General for Personnel and Administration	Director(s)-General concerned
1. Compensatory leave and remuneration for overtime	Annex VI				C - D
2. Family allowances	67, 68, 81 Annex. VII. art 1 to 3			A - B - C - D	
3. Allowances and reimbursement of expenses	69, 70a, 71 Annex. VII. art. 4 to 10 Annex. VII art. 11 to 13			A - B - C - D	A - B - C - D
	Annex. VII art. 14.1 - 15			A - B - C - D	
	Annex. VII art. 14. 2				A - B - C - D
4. Transfer of emoluments	Annex VII. art. 17			A - B - C - D	
5. Allowance - non-active service	41 3rd para, Annex. IV			A - B - C - D	
6. Allowance - retirement in the interest of the service	50, Annex. IV			A1 - A2	
7. Allowance - termination of service	47 (except para f + g)			A - B - C - D	
	47 para f + g				
8. Sickness insurance	40, 72, Annex X Art. 24			A - B - C - D	
9. Accident insurance	40, 73, Annex X Art. 25			A - B - C - D	
10. Gifts and loans for welfare purposes	76			A - B - C - D	
11. Advances on salary	76			A - B - C - D	

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VIII. SALARIES AND WELFARE BENEFITS (contd)

SUBJECT	Article of the Staff Regulations	Commission	Commission Member responsible for personnel and administration	Director-General for Personnel and Administration	Director(s)-General concerned
12. Pensions: severance grant, authentication of pensionable years, transfer of pension rights, family allowances.	41 (4), 50 68, Annex VII 1-3 77 à 84 Annex. VIII, except 78 6th para et Ann. VIII art. 1			A - B - C - D	
				A - B - C - D A - B - C - D	
13. Recovery of overpayments: decision to recover implementation of decision	85	This decision is taken by the Authority having decided the award.			
14. Bonus for patented inventions: - determining of amount - award	94, 4th para.		A - B - C - D (1)		
				A - B - C - D	
15. Bonus for exceptional service	99			A - B - C - D	
16. Allowance for arduous working conditions	100			A - B - C - D	
17. Compensatory leave or remuneration for overtime	101			B	
18. Continuation of allowance under Art. 93 of former ECSC Staff Regulations	97, 4th para. of former ECSC Staff Regs.			A - B - C - D	
19. Number of years of pensionable service to be credited	107 102 former ECSC staff res.			A - B - C - D	
20. Special allowances	56a			A - B - C - D	

(1) In agreement with the Member of the Commission responsible for research.

APPOINTING AUTHORITIES

IX. BODIES PROVIDED FOR IN THE STAFF REGULATIONS

SUBJECT	Article of the Staff Regulations	Commission	Commission Member responsible for personnel and administration	Director-General for Personnel and Administration	Director(s)-General concerned
1. Joint Committee					
- appointment of chairman and members	Annex II Art. 2			X	
- consultation	9(4)			X	
- convening of meetings	Annex II Art. 3			X	
- setting of deadlines	10 bis			X	
2. Disciplinary Board					
- appointment of chairman and secretary	Annex II art. 5			X	
- list of members	art. 5			X	
3. Invalidation Committee					
- appointment of doctor by the institution	Annex II. art. 7			X	
- consultation				A - B - C - D	
4. Reports Committee					
- appointment of members	Annex. II. art. 10			X	
- consultation				A3-4-5 AHU A4 - 8 - B - C - D	
5. Staff Regulations Committee					
- appointment of members	10			X	
- consultation	10			X	
- setting of deadlines	10a			X	
6. Common Joint Committee					
- appointment of chairman and members	Annex II Art. 3a			X	
- consultation				X	
- convening of meetings				X	
- setting of deadlines				X	

APPOINTING AUTHORITIES

XI. TEMPORARY STAFF

SUBJECT	Article of the Staff Regulations	Commission	Commission Member responsible for personnel and administration	Director-General for Personnel and Administration	Director(s)-General concerned	
1. Decision to engage, conclusion of contract, and supplementary contract - Temporary staff under Articles 2(a) of CEOS - Temporary staff under Articles 2(b) of CEOS	8, 10	A1 - A2		A3-4-5 AHU A4 - 8 - B - C - D		
		A1 - A2		A3-4-5 AHU A4 - 8 - B - C - D		
		This power is delegated : see footnote (1)				
		A1 - A2		A3-4-5 AHU A4-8 - B-C-D		
- Temporary staff under Articles 2(c) of CEOS - Temporary staff under Articles 2(d) of CEOS						
2. Exemption from the requirement of being a national of a Member State - except for temporary staff under Article 2(c)	12(2)(a)	A1 - A2	A3-4-5 AHU	A4/8 - B - C - D		
This power is delegated : see footnote (2)						
3. Requirement to serve a probationary period, extension of probationary period	14			A3/8 - B - C - D		
4. Rights and obligations	11	Delegation of powers identical to Table V for officials				
5. Working hours, overtime, shiftwork, standby duty, leave, public holidays	16, 1st and 2nd paras.	Delegation of powers identical to Table VII for officials				
6. Sick leave: right to remuneration	16, 3rd and 4th paras.			A - B - C - D		
7. Unpaid leave on compelling personal grounds	17	A1 - A2			A3-4-5 AHU A4/8 - B - C - D	
8. Leave for military service	18				A - B - C - D	
9. Family allowances, expatriation allowance, teaching allowance (Articles 66, 67, 69, 70, 70a of Staff Regulations), flat-rate allowance (Article 4a of Annex VII to Staff Regulations)	20, 21	Delegation of powers identical to Table VIII for officials				
10. Reimbursement of expenses incurred on entering the service, transfer and leaving the service or in the course or in connection with duties performed (Articles 5 to 15 of Annex VII to Staff Regulations)	22, 26	Delegation of powers identical to Table VIII for officials				
11. Payment of sums due (Articles 16 and 7 of Annex VII to Staff Regs.)	27	Delegation of powers identical to Table VIII for officials				

A3-4-5 AHU = Advisers and Heads of Unit

(1) For the Head of Cabinet and the Deputy-Head of Cabinet: this power is delegated to the Member of the Commission responsible for questions of Personnel and Administration, in agreement with the President if it regards secondment to a member of the Commission. The originating Directorate General is notified.

- For a member of the Cabinet: this power is delegated to the Director-General for Personnel and Administration, who informs the President's Cabinet, if it regards secondment to a member of the Commission. The originating Directorate General is informed.

- For the secondment of OLAFagents, OLAF must give its consent.

(2) For the Head of Cabinet and the Deputy-Head of Cabinet: this power is delegated to the Member of the Commission responsible for questions of personnel and Administration, in agreement with the President,

For a member of the Cabinet: this power is delegated to the Director-General of Personnel and Administration, who informs the President's Cabinet

APPOINTING AUTHORITIES

XI. TEMPORARY STAFF (contd)

SUBJECT	Article of the Staff Regulations	Commission	Commission Member responsible for personnel and administration	Director-General for Personnel and Administration	Director(s)-General concerned
12. Cover for sickness and accidents	28, 1st para.	Delegation of powers identical to Table VIII for officials			
- Exclusion from cover (Article 72 of Staff Regulations)	28, 2nd para.			A - B - C - D	
- Extension of cover (Article 72 of Staff Regulations)	28, 3rd and 4th paras.			A - B - C - D	
- Monthly unemployment allowance	28a			A - B - C - D	
13. Grant of gifts, loans or advances (Article 76 of Staff Regulations)	30	Delegation of powers identical to Table VIII for officials			
14. Suspension of payments and benefits for death or invalidity	31, 2nd para.			A - B - C - D	
15. Suspension of guaranteed benefits for death or invalidity	32			A - B - C - D	
16. Pensions, severance grant, authentication of pensionable years, transfer of pension rights	33, 40, 42 + 34, 39			A - B - C - D	
17. Recovery of overpayments	45	Delegation of powers identical to Table VIII for officials			
18. Termination of service on invalidity grounds	33			A - B - C - D	
19. Termination of contract				A3-4-5 CCU	
- Temporary staff under Article 2(a) and (b) of Staff Regulations	47, 48	A1 - A2		A4 - 8 - B - C - D	
- Temporary staff under Article 2(c)	47, 48		This power is delegated : see footnote (1)		
- Temporary staff under Article 2(d)	47, 48	A1 - A2		A3-4-5 CCU	
				A4-8 - B- C - D	
20. Discipline	49, 50	Delegation of powers identical to Table VI for officials			
21. Allowances on termination of contract	14, 47-50			A - B - C - D	
22. Limitation of severance grant and resettlement allowance	49(2), 50(2)			A - B - C - D	

A3-4-5 AHU = Advisers and Heads of Unit

(1) For the Head of Cabinet and the Deputy-Head of Cabinet: this power is delegated to the Member of the Commission responsible for questions of personnel and administration, in agreement with the President. For a member of the Cabinet: this power is delegated to the Director-General of Personnel and Administration, who informs the President's Cabinet.

APPOINTING AUTHORITIES

XII. AUXILIARY STAFF

SUBJECT	Article of the Staff Regulations	Commission	Commission Member responsible for personnel and administration	Director-General for Personnel and Administration	Director(s)-General concerned
1. Decision to engage and conclusion of contract and supplementary contracts	53, 56			A - B - C - D	
2. Exemption from the requirement of being a national of Member State	55 (1)			A - B - C - D	
3. Rights and obligations (Articles 11 to 25 of Staff Regs)	54			A - B - C - D	
4. Working hours, overtime, shiftwork, standby duty, leave, public holidays	57) These powers are exercised by the appropriate appointing authority under the Staff Regulations.			
5. Grant of special leave	58, 3rd para.)			
6. Sick leave, right to remuneration	59				
7. Unauthorised absence	60				
8. Family allowances, expatriation allowance, flat-rate allowance (Articles 67 and 69 of Staff Regulations and Articles 1, 2, 4 and 4a of Annex VII)	65			A - B - C - D	
9. Reimbursement of travel and mission expenses, housing and transport allowances	67) These powers are exercised by the appropriate appointing authority under the Staff Regulations.			
10. Daily subsistence allowance	69)			
11. Grant of gifts, loans or advances (Article 76 of Staff Regs.)	71)			
12. Recovery of overpayments (Article 85 of Staff Regs.)	27)			
13. Termination of contract	74 (2)(a)			A - B - C - D	
	75 (1) (2)			A - B - C - D	
	76			A - B - C - D	
	77			A - B - C - D	
14. Allowances on termination	75 (2)(a) and (d)			A - B - C - D	