

COMMISSION DECISION

of 28.04.2004

on middle management staff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of those Communities as laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council¹, and in particular Articles 2, 4, 5, 7 and 29 thereof,

Having regard to the 'Code of conduct for amending the organisation charts of Commission Directorates-General and departments' adopted by the Commission on 3 December 1997²,

Having regard to the communication to the Commission of 1 March 2000³ 'Reforming the Commission', Part I – White Paper and Part II – Action Plan ,

Having regard to the communication to the Commission of 21 December 2000⁴ on the appraisal, selection and appointment of senior Commission officials,

Having regard to the guidelines on middle management adopted by the Commission on 30 October 2001⁵, the main points of which include:

- decentralised procedures for the selection and appointment of middle management staff in grades A5 and A46 which need to be implemented;
- the probationary period for newly-appointed middle managers;
- the need to have followed a course of management training before applying for middle management posts in grades A5 and A4;
- the standing arrangements for reassigning middle management staff to non-management duties,

¹ OJ L 56, 4.3.1968, p.1. Regulation as last amended by Regulation ...

² SEC(1997) 2212 of 3 December 1997.

³ COM(2000) 200 final of 1 March 2000.

⁴ SEC(2000) 2305/5 of 21 December 2000.

⁵ SEC(2001) 1697/7, Annex 7. See Min (2001) 1542.

⁶ For the sake of simplicity, reference is made to grades in category A, but this document also concerns grades LA5 and LA4 in the language service.

HAS ADOPTED THIS DECISION:

SECTION 1. GENERAL PRINCIPLES

Article 1: Aims

The purpose of this decision is to establish a legal framework setting out the internal rules of the European Commission concerning:

- decentralised procedures for the selection and appointment of middle managers;
- the role and position of heads of unit in the organisation chart as middle managers;
- the arrangements for reassigning heads of unit to non-management posts in certain circumstances;
- the introduction of a trial period for staff appointed for the first time to a middle management post in the Institution;
- rules regarding mobility..

Save as otherwise provided for in this decision, these rules are to apply from their entry into force to all the staff concerned, including middle management staff from the new Member States in the context of enlargement.

This decision shall apply to all Commission departments and departments administratively attached to the Commission, including those to which the Commission has delegated all or part of its powers as appointing authority.

Article 2: Definitions

1. Middle management functions and staff

Middle management functions are those which meet both of the following criteria:

- they involve the permanent and continuous management of an administrative unit;
- they appear in the Commission's official organisation chart.

A person who satisfies both of these criteria at the same time is thereby a member of the middle management staff.

This means that the functions of head of unit, Head of Delegation⁷, Head of an Office or Representation in the Member States as well as those of Deputy Head of

⁷ Heads of Delegation belonging to the type of post Director or Director General are not covered by the present decision.

Delegation at AD 13 / AD 14⁸ level are hereby defined as middle management functions⁹ and are covered by this decision.

These posts shall be filled either at grades AD 9 / AD 12 or at AD 13 / AD 14 .

2. Management tasks not appearing in the organisation chart

In certain cases deputy heads of unit and heads of sector may carry out management tasks delegated to them by the head of unit. They do not appear in the Commission's official organisation chart. They are not part of the middle management staff.

3. Preselection board:

In case of filling a post pursuant to Article 29 of Staff Regulations, and except in the specific cases set out in the implementing rules referred to in Article 16(2), the Director-General concerned shall appoint a preselection board comprising at least three members of grade and management function equal or superior to that of the post to be filled, including one from another Directorate-general.

4. Rapporteur for the procedure:

Where a post is to be filled pursuant to Article 29 of the Staff Regulations, the Director-General for personnel shall designate, in agreement with the Secretary-General a rapporteur for the procedure. The rapporteur shall be chosen from a list of 20 serving officials in grade AD 15 or AD 14 (occupying a function of Director or Principal Adviser).

This list of rapporteurs shall be drawn up as follows. The administration and the Central Staff Committee shall each propose 15 names of serving officials (in grade AD 15 or AD 14, occupying a function of Director or Principal Adviser). The Director-General for personnel, in agreement with the Secretary-General, shall nominate the 20 rapporteurs taking 10 from each proposal.

In exploiting the list of 20 rapporteurs, the Director-General for personnel and the Secretary-General will ensure that there is a balance between the rapporteurs proposed by the administration and those proposed by the Central Staff Committee.

Article 3: Appointing authority

Except where otherwise provided, the appointing authority for the provisions concerning middle management staff in this decision shall be the Director-General of the Directorate-General to which the post concerned is attached.

For appointments to middle management posts at AD 13 / AD 14 level, the appointing authority shall be the Director-General concerned in agreement with the President, the

⁸ Where in the present decision reference is made to a grade in the function group "AD", this reference shall also mean the corresponding grade in category A* during the period from 1 May 2004 to 30 April 2006.

⁹ For the sake of clarity, throughout the rest of this decision the term 'head of unit' includes all the functions listed in this Article. Advisers do not carry out management functions and are not part of the middle management staff. They do appear in the Commission's official organisation chart.

Member of the Commission responsible for personnel and the Member of the Commission responsible for the Directorate-General.

Article 4: Role of heads of units

The role of heads of unit is regarded as particularly important. They shall possess specific management (i.e. human resources management and, where relevant, financial resources management) competencies and an appropriate degree of specialist knowledge and technical expertise.

The role and responsibility of head of unit shall comprise essentially three aspects (this list is neither exhaustive nor restrictive):

- The head of unit shall issue guidelines for policies and actions to his/her unit on the basis of the mission statement and annual work programme of the Directorate-General or Directorate. He or she shall define the unit work programme, coordinate work within the unit and with other units and represent the unit at important meetings.
- The head of unit shall be the main channel for the exchange of information between senior management and the various members of the unit.
- The head of unit shall be directly responsible for the management of the human resources of the unit and, in many cases also, its financial resources.

Article 5: Determining the level of a post and filling it

1. The Director-General concerned shall fix the level of posts at AD 9 / AD 12.

A decision to fix the level of a post at AD 13 / AD 14 shall be taken by the Director-General for personnel at the request of the Director-General concerned, depending on the importance of the tasks, the number of staff reporting to the post in question and/or the budgetary resources managed.

2. The Director-General concerned shall decide to fill a post by publication (Article 29 of the Staff Regulations) without prejudice to the possibility of re-assigning an official to the post in the interests of the service if it corresponds to his or her grade (Article 7(1) of the Staff Regulations).

Article 6: Publication of a post and instructions to applicants

In the case of publication, the Director-General concerned shall draw up the vacancy notice and send it to the Directorate-General for personnel for verification and publication. The instructions to applicants and arrangements for submitting applications shall be as set out in Annex I hereto.

For posts at AD 9 / AD 12 grade, the vacancy notice shall not be published pursuant to article 29.1(a) (iii) of the Staff Regulations.

For posts published pursuant to Article 29.1 (a) of the Staff Regulation at AD 13 / AD 14 grade, the vacancy notice should be published in parallel pursuant to both Article 29.1(a) (i) and Article 29.1(a) (iii) of the Staff Regulations.

SECTION 2. FILLING HEAD OF UNIT POSTS AT GRADE AD 9 / AD 12

Article 7: Eligibility

1. In the case of re-assignment to a middle management post in the interests of the service within a Directorate-General or between Directorates-General (according to article 7 of the Staff regulations), the person must:
 - be an official
 - be in grade AD 9, AD 10, AD 11 or AD 12 ;
 - already occupy a middle management post or have occupied such a post and not have ceased to exercise management duties in application of Article 13(1) or 13(3) below.

2. In the case of publication of a vacancy notice, applicants must, on the closing date for the receipt of applications, :
 - be an established official
 - be in grade AD 9, AD 10, AD 11 or AD 12.
 - have already followed a management training course (see Article 7(3));
 - possess the qualifications specified in the vacancy notice;
 - possess the competencies set out in Annex II to this decision.

3. Training
 - 3.1. Applicants shall have completed the management preparation course before the deadline for the submission of applications for a vacant head of unit post at grade AD 9 / AD 12. Successful completion of this course, as demonstrated by a certificate, shall constitute a prior condition for any application for a head of unit post.

This provision shall come into force when all the steps required to provide training for all potential applicants have been taken and in any event no later than 1 January 2005.

 - 3.2. Up until that date, newly appointed heads of unit shall be required to follow a management preparation course before or within three months of taking up their duties. Management courses listed in the Commission's training catalogue and followed by an applicant during the five years prior to publication of the post may be validated by the appointing authority as management preparation courses.

 - 3.3. As an alternative, in both cases, the official may demonstrate to the appointing authority that he or she has already acquired the management qualifications required by successfully completing other courses of training for management functions.

Article 8: Selection and appointment

1. Selection:

The stages in selection to be followed by the appointing authority shall be as follows:

1.1. Definition of the job profile

The vacancy notice shall set out in detail the tasks and duties of the post to be filled, including those in the job description. It shall also specify the minimum qualifications which applicants must possess for their applications to be taken into consideration and any other desirable qualifications.

1.2. Assessment of applications by the preselection board

Using assessment checklists, the preselection board shall consider all applications received having regard to the vacancy notice and the CVs of the applicants. Where appropriate, it shall conduct interviews. It shall draw up a short-list of the applicants who best correspond to the profile sought, giving reasons for its choices.

1.3. Interviews by the Director-General and the rapporteur for the procedure

The Director-General and the rapporteur for the procedure shall interview the applicants on the short-list. The Director-General may decide to interview other eligible applicants.

2. Appointment:

2.1. Before making the appointment, the Director-General shall inform and consult the Member of the Commission responsible for the department on the proposed appointments¹⁰. He or she shall then inform the Director-General for personnel and the Secretariat-General of the intended action.

2.2. At the end of the selection procedure and after the persons listed in paragraph 2.1 have been informed, the Director-General shall appoint the successful applicant. The procedure is then closed.

2.3. However, the Director-General for personnel or the Secretary-General, normally acting on the basis of a recommendation from the rapporteur designated, may ask for the intended appointment to be referred to the Consultative Committee on Appointments. If such a referral is made, the appointing authority becomes the Member of the Commission responsible for personnel and the Member of the Commission responsible for the department, in agreement with the President.

2.4. The selected candidate is appointed in his current grade.

¹⁰ In accordance with the Code of Conduct for Commissioners and Departments, SEC (1999) 1481 of 18 September 1999.

SECTION 3. FILLING HEAD OF UNIT POSTS AT GRADE AD 13 / AD 14

Article 9: Eligibility

1. In the case of re-assignment to a middle management post in the interests of the service within the Directorate-General or between Directorates-General (according to article 7 of the Staff Regulations), the person must:
 - be an official;
 - be in grade AD 13 or AD 14;
 - already occupy a middle management post or have occupied such a post and not have ceased to exercise management duties in application of Article 13(1) or 13(3) below.

2. In the case of publication of a vacancy notice, applicants must, on the closing date for the receipt of applications, :
 - be an established official;
 - be in grade
 - AD 13 or AD 14, or
 - AD 12 and have at least two years experience in middle management in the Institutions¹¹ and also have the seniority in grade required by Article 45 of the Staff Regulations;
 - possess the qualifications specified in the vacancy notice;
 - possess the competencies set out in Annex II to this decision.

Article 10: Selection and appointment

1. Selection:

The selection procedure to be followed is the same as the one applicable for Head of Unit posts at grades AD9-AD12.

2. Appointment:

- 2.1. When the interviews have been completed, the Director-General shall send a full report to the Director-General for personnel, stating the applicants short-listed and possibly indicating which applicant or applicants should be taken into consideration.

¹¹ For this eligibility criterion, heads of cabinet and deputy heads of cabinet with two years' experience in those posts are considered to have the requisite experience.

- 2.2. The filling of the post shall then be submitted to the Consultative Committee on Appointments, normally by written procedure. At the request of one of its members, the Committee, after hearing the Director-General concerned and the rapporteur for the procedure, may suggest that the Director-General concerned make a broader choice.
- 2.3. After receiving the opinion of the Consultative Committee on Appointments, the Director-General shall inform¹² the Member of the Commission responsible for the department of his or her proposed appointments.
- 2.4. The appointing authority shall then inform the Director-General for personnel and appoint the selected applicant in agreement with the President, the Member of the Commission responsible for the department and the Member of the Commission responsible for personnel
- 2.5. The selected candidate is appointed in his current grade, except for candidates in grade AD 12 who are appointed in grade AD 13

SECTION 4: TRIAL PERIOD

Article 11: Trial period

1. Scope and duration

All those newly appointed to a head of unit position without having served at least two years as a head of unit in the Institutions¹³ (including new heads of unit recruited following an open competition), shall serve a management trial period of nine months as a 'probationer head of unit'.

2. Assessment

Continuous assessment shall be ensured by drawing up a mid-term review after five months and a final assessment at the end of the period. This two-phase evaluation shall be different from the Career Development Review (CDR) set up for all grades and functions and provide the first opportunity to check whether the person being assessed has the qualities needed to carry out his or her management role effectively.

The mid-term review and the final assessment shall be carried out by a reporting officer under the supervision of a countersigning officer. The reporting officer shall be the official responsible for carrying out the assessments and for drafting the reports. The countersigning officer shall be responsible for countersigning the reports and, in case of disagreement, bear final responsibility for them.

The reporting officer and the countersigning officer for both the mid-term review after five months and the final assessment after nine months shall be the same as those designated for the CDR. The Human Resources Unit of the Directorate-General concerned may provide assistance in the procedure.

¹² In accordance with the Code of conduct for Commissioners and Departments, see above

¹³ Or two years as head of cabinet, or as an AD 13 / AD 14 legal adviser in the Legal Service.

3. Mid-term review after five months

The mid-term review shall be conducted on the basis of a previously agreed statement incorporating objectives and unambiguous performance indicators (linked to standard management tasks/skills) for the individual and/or the unit which he or she is managing.

The mid-term review shall be drawn up in writing and countersigned by the 'probationer head of unit'. A 'probationer head of unit assessment sheet', covering both the mid-term review and final assessment, is provided in Annex III.

If the conclusions of the mid-term review are disputed, the probationer manager may request the Directorate-General for personnel to designate one of the "Rapporteurs" for decentralised appointments (see Article 2(4)) to give an opinion to the Director-General. After this opinion, if the conclusions of the mid-term review are confirmed by the Director-General, it shall be considered final.

4. Final assessment after nine months for officials already in service

No later than one month before the expiry of the management trial period, the final assessment shall be drawn up by the reporting officer and the countersigning officer. This final assessment shall take into account views from colleagues, staff and hierarchy and provide a formal opportunity for the appointing authority to make a definitive judgement as to whether the official has the necessary managerial ability and can remain in his or her post. In exceptional circumstances, the management trial period may be extended by up to six months by the Director-General concerned, in order to give the probationer manager time to remedy perceived deficiencies.

The final assessment shall be attached to the next Career Development Review provided for in Article 43 of the Staff Regulations.

If at the end of the process (i.e. after 15 months maximum) the probation is deemed to have been unsuccessful (meaning at least one 'insufficient' in the assessment sheet), the appointing authority shall propose reassignment to a non-management position. The Consultative Committee on Appointments shall give its opinion on any proposal.

Following the opinion of that Committee, the final decision shall be taken:

- for established officials at AD 13 / AD 14 level, by the Director-General for personnel in agreement with the President, the Member of the Commission responsible for personnel and administration and the Member of the Commission responsible for the department;
- for established officials at AD 9/AD 12 level, by the Director-General for personnel in agreement with the Members of the Commission responsible for the department and for personnel.

5. Final assessment after nine months for newly recruited heads of unit.

For 'probationer heads of unit' recruited following an open competition, the final assessment shall be drawn up at the same time and in the same way as the report provided for in Article 34(3) of the Staff Regulations. This assessment of

management ability shall replace the normal probation report provided for in that Article.

The final assessment shall be drawn up by the reporting officer and the countersigning officer. It shall take into account views from colleagues, staff and hierarchy.

No later than one month before the expiry of the trial period, the final assessment shall be communicated to the probationer, who shall have the right to submit his or her comments in writing within a period of eight working days. However, the appointing authority may, in exceptional circumstances, extend the probationary period for a maximum of six months.

If it recommends dismissal or, in exceptional circumstances, extension of the probationary period, the report and the comments shall be transmitted by the appointing authority, within a period of three weeks, to the Joint Reports Committee for consultation on the action to be taken.

If at the end of the process (i.e. after 15 months maximum) the probation is deemed to have been unsuccessful, the appointing authority shall propose termination of the employment. The Consultative Committee on Appointments shall give its opinion on any proposal.

Following the opinion of the Consultative Committee on Appointments, the final decision for persons recruited externally shall be taken

- at AD 9 – AD 12 level, by the Director-General for personnel in agreement with the Member of the Commission responsible for personnel;
- at AD 13 – AD 14 level, by the Director-General for personnel in agreement with the President and the Members of the Commission responsible for the Department and for personnel.

SECTION 5: A CAREER IN MIDDLE MANAGEMENT

Article 12: Mobility

By way of derogation from the guidelines on mobility¹⁴, the following rules shall apply.

1. Mobility is not only encouraged and regarded as a determining factor for promotions, but also compulsory for all middle management functions (sensitive or not). This shall in no way restrict the right of the appointing authority to make use of Article 7(1) of the Staff Regulations (re-assignment in the interests of the service).
2. Heads of Unit shall change assignment within the same Directorate-General or between Directorates-General five years after taking up their duties but not until they have served at least two years.

¹⁴ SEC(2002) 146 adopted by the Commission on 12 February 2002.

Within the context of the same reference periods, the mobility of heads of unit from horizontal Directorates-General to vertical or operational Directorates-General – and vice versa – is strongly recommended. Similar moves from horizontal to operational functions (and vice versa) within a given Directorate General are also encouraged.

3. After this period of five years, an official is required to move to another post (normally following a new selection procedure or as a result of redeployment within a Directorate-General). If there is a valid and justified reason (for example, completion of a particular task relating to the post or the imminent retirement of the official), the Director-General may decide that the official shall remain in post for more than five years.
4. A head of unit shall be authorised to remain in the same post for more than seven years only in exceptional cases. Compulsory mobility for heads of unit who possess very specific aptitudes or carry out very specific functions (for example, in the Joint Research Centre or certain posts in the language service) is not possible. In these circumstances, the Director-General concerned shall send a duly reasoned request to the Director-General for personnel, who may grant a derogation.

Article 13: Reassignment to a non-management position

Heads of Unit may be reassigned to a non-management position whilst keeping their grade.

Reassignment to a non-management position shall be distinguished from reassignment resulting from the procedure provided for in Article 51 of the Staff Regulations.

Reassignment to a non-management position shall be possible in the following cases.

1. Insufficient managerial ability as a head of unit

- 1.1. Reassignment following the trial period.

A procedure for reassignment to a non-management position may occur following the end of the trial period for a newly appointed head of unit provided for in Article 11.

- 1.2. Reassignment at any stage during a managerial career.

A procedure for reassignment to a non-management position may occur at any stage when a head of unit is deemed not to have met the required management standards in two successive Career Development Reviews. Unmet standards means a 'poor' or an 'insufficient' in the CDR sheet, related to possible deficiencies in management ability.

- Procedure to be followed

Before a decision is taken, the case shall be further assessed by one of the 20 Rapporteurs designated by the Director-General for personnel in agreement with the Secretary-General.

The Rapporteur shall draw up conclusions, following which the case shall be referred to the Consultative Committee on Appointments.

The Consultative Committee on Appointments shall issue an opinion in which it may:

- suggest that the official should be offered another management post;
- confirm that the official should be reassigned to a non-management position. In this case, the official could be offered additional training related to possible deficiencies in management ability.
- Final decision

Following the opinion of the Committee, the final decision shall be taken, for AD 9 to AD 14 officials, by the Director-General in agreement with the President and the Members of the Commission responsible for personnel and for the department in question.

2. Redeployment or revision of the organisation chart due to policy changes and reassignment following mobility from a sensitive post

In cases where a management post ceases to exist as a consequence of redeployment or the amendment of the organisation chart of a Directorate-General and following the annual mobility exercise related to sensitive posts, a head of unit may be reassigned to a non-management position. Normal procedures regarding changes of organisation chart and provisions set out in the guidelines for redeployment shall apply in these cases.¹⁵

- In the framework of a reorganisation resulting in an increased or unchanged number of organigramme functions, a Head of unit may be re-assigned to an existing advisor function¹⁶.
- Otherwise, the Director-General for personnel shall be empowered to reassign persons to heads of unit posts for which they are clearly qualified, within a six-month period.

The procedure shall follow consultation of the person concerned and of the department where he or she will take up new duties. If a suitable management position is not found within the six-month period, the case shall be further assessed by one of the 20 designated rapporteurs, who shall express an opinion – with the support of the Directorate-General for personnel if this is considered necessary – and the case shall be referred to the Consultative Committee on Appointments for an opinion. If the Committee confirms that the official should be taken over into a non-management post, the Director-General for personnel shall be empowered to reassign the person with his or her post as an administrator.

- in case of reassignment following mobility from a sensitive post, both procedures set out in the first and second indents above may apply.

3. Voluntary opt-out

¹⁵ Commission Decision of 22 November 2000.

¹⁶ The maximum number of advisors functions per DG will be set by a Commission decision.

A head of unit shall be entitled to ask to opt out of a management position at any stage during his or her career. The request shall include a detailed explanation of the reasons for wishing to opt out, and a formal acceptance of reassignment to a unit under the supervision of a head of unit. Article 7 of the Staff Regulations (reassignment in the interest of the service) shall apply in these cases and consultation of the Consultative Committee on Appointments shall not be required. An official who subsequently decides to reapply for a management post shall go through the standard selection procedure. In the case of voluntary opt-out, the decision shall be taken by the Director-General concerned.

SECTION 6 –SPECIFIC CASES AND FINAL PROVISIONS

Article 14: Specific cases¹⁷

1. Middle management functions in Delegation¹⁸

1.1. Selection

The final interviews, as provided by Articles 8(1.3) and 10(1), shall be carried out by the Director-General for external relations, one or more members of the Steering Committee for the External Service and a designated Rapporteur (see Article 2.4).

Before the appointment is made, the proposal shall be submitted to the Steering Committee for the External Service for agreement.

1.2. Appointment

For posts at grade AD 9/AD 12, the appointing authority shall be the Director-General for external relations in agreement with the Steering Committee for the External Service.

For posts at grade AD 13/AD 14, the appointing authority shall be the Director-General for external relations, following the agreement of the Steering Committee for the External Service, in agreement with the President, and the Members of the Commission responsible for personnel and for external relations.

If the Director-General for personnel, the Secretary-General or the designated Rapporteur express doubts about the correctness of a proposed appointment, the Consultative Committee on Appointments may be asked for its opinion on the applicants. In this case, the appointing authority shall be the Member of the Commission responsible for personnel, in agreement with the President and the Member of the Commission responsible for external relations.

2. Heads of Offices or Representations in the Member States

¹⁷ Heads of Delegation belonging to the type of post of Director or Director General are not covered by the present article.

¹⁸ The reassignment procedure laid down in article 13.1.2 of the present decision will be implemented, for middle managers in delegation, in line with the principle of return to the service of origin laid down in article 16.12 of the “Commission decision on the administrative reform of the External service”, adopted on 27.12.2002.

2.1. Selection

The final interviews, as provided by Articles 8(1.3) and 10(1), shall be carried out by the Director-General for press and information, the Director-General for personnel, the Secretary-General or, at the latter's request, a designated Rapporteur (see Article 8.3).

2.2. Appointment

For posts at grade AD 9/AD 12, the appointing authority shall be the Director-General for press and information.

For posts at grade AD 13/AD 14, the appointing authority shall be the Director-General for press and information, in agreement with the President and the Members of the Commission responsible for personnel and for press and information.

If the Director-General for personnel, the Secretary-General or the Rapporteur designated by the Secretary-General express doubts about the correctness of a proposed appointment, the Consultative Committee on Appointments may be asked for its opinion on the applicants. In this case, the appointing authority shall be the President and the Member of the Commission responsible for personnel.

Article 15: Joint Committee

1. A 'Joint Committee for the appointment of middle management staff' is established to monitor appointment to grades AD 9 – AD 14 made under the decentralised system. The Committee shall comprise five serving Directors or principal advisers, two designated by the staff representatives and two by the administration. The Chairman shall be appointed jointly.

The Committee shall adopt its Rules of Procedure at its first constitutive meeting, acting on a proposal from the Directorate-General for personnel in agreement with the Secretariat-General.

2. The Joint Committee shall:

- hold regular meetings (at least twice a year) to consider the appointment procedures during the previous period. It shall be assisted in its preparatory and secretarial work by the Directorate-General for personnel;
- have access to all documents concerning appointments made during the period in question and the right to consult all persons concerned in those appointments;
- receive a brief report on all the appointments made during the period in question;
- present at least once a year a report assessing the operation of the system for selection and appointment during the previous period (including on the balanced use of rapporteurs) and, if appropriate, make recommendations for its improvement. The report shall be sent to the President and the Member of the Commission responsible for personnel and to the Staff Committee.

The Committee shall have no power to alter the outcome of the procedures which it considers.

Article 16: Final provisions

1. This decision replaces and repeals the Commission decision on filling middle management posts of 19 July 1988¹⁹, as amended by the decisions of 4 October 1989²⁰, 5 October 1990²¹ and 28 June 1995²², and the parts of the Commission Communication of 21 December 2000 on the assessment, selection and appointment of senior management staff which concern middle management. It amends the provisions concerning appointments to middle management posts in the decision of 21 January 1998 on the exercise of powers delegated by the Staff Regulations to the appointing authority and by the Conditions of employment of other servants to the authority authorised to conclude contracts of employment, as last amended in February 2003.
2. The Director-General for personnel is hereby authorised to adopt or update as necessary the implementing rules for applying this decision, particularly with regard to:
 - the instructions to applicants and the arrangements for making applications (Article 6);
 - the decentralised procedures for selection and appointment (Articles 8 and 10);
 - the probationary arrangements (Article 11);
 - the mobility scheme (Article 12);
 - reassignment to non-management posts (Article 13).

The Directorate-General for personnel shall be responsible for monitoring the correct application of this decision continuously, without prejudice to the role of the Joint Committee established by Article 15.

Article 17: Entry into force

This decision shall enter into force on 1st May 2004.

¹⁹ SEC(88) 1133 to 3 and Min (88) 928, apart from point 4 on other promotions to grade A3 (second series) which is repealed as of 1st January 2005..

²⁰ SEC(89) 1637 and Min (88) 981.

²¹ SEC(90) 1902 to 3.

²² SEC(95) 1046 to 2 and SEC(95) 1059 Min 1254.

Done in Brussels,

For the Commission
[28.04.2004]
Member of the Commission

ANNEX I
ARRANGEMENTS FOR THE PUBLICATION OF VACANCY NOTICES AND
INSTRUCTIONS TO APPLICANTS

Publication of vacancy notices:

DG ADMIN will publish vacant middle management posts as soon as possible after receiving and processing the request from the DG of origin. Vacancies can be published as soon as the date when the post will be vacant is known for certain.

At the request of the Directorate-General, the deadline for applications may be extended, normally by one to two weeks. The publication of a vacancy notice may be cancelled, again at the request of the Directorate-General.

Middle management posts are published electronically in the "Personnel and Administration" pages, section vacancy notices, in a separate section

This section is placed on line for consultation by all staff.

I. GENERAL INSTRUCTIONS FOR ALL NOTICES

These instructions are published on 'IntraComm/Personnel and administration'.

Deadlines

The final deadline for the submission of applications (date and time, allowing for any time difference for applications from places other than Brussels) will be shown on the title page of 'Vacant management posts'/yellow stripe. It is normally ten working days after the date of publication and is binding.

The deadlines for posts published by the other Institutions and listed in 'Vacant management posts' may be different.

Conditions of eligibility and minimum qualifications required

Applicants must, on the closing date for the dispatch of applications

- for posts published at AD 9 / AD 12, :
 - be an established official
 - be in grade AD 9, AD 10, AD 11 or AD 12.
 - have already followed a management training course [+ reference to Article 7(3) of the DGE];
- for posts published at AD 13 / AD 14, :
 - be an established official;
 - be in grade
 - AD 13 or AD 14, or

- AD 12 and have at least two years experience in middle management in the Institutions²³ and also have the seniority in grade required by Article 45 of the Staff Regulations;
- for all posts, possess the general competencies set out in [cf. Annex II to this decision];
- for all posts, possess the qualifications specified in the vacancy notice.

How to apply

Applications for posts published at AD 9 / AD 12 must be sent with a CV **only by electronic means** in Word format to the address specified by the DG of origin in the vacancy notice.

Applications for posts published at AD 13 / AD 14 must be sent with a CV **only by electronic means** in Word format to the address ‘ADMIN JOB VACANCIES-MANAGEMENT’ in the Outlook Address Book.

In all cases, the applicant must state:

- his or her staff number;
- the COM number to which the application relates.

Applicants are advised to send a copy to the Head of the human resources unit of the DG concerned. They may use the common European format for CVs proposed in the Commission recommendation of 11 March 2002²⁴ and available on GINA.

Equal opportunities

The summary of vacant posts must state that ‘The Commission is an equal opportunities employer’.

II. SPECIFIC INSTRUCTIONS FOR EACH VACANCY NOTICE

Vacancy notices should include the following information:

- **Legal basis for publication:** in most of the cases "Art.4 and 29§1.a.i." or "Art.4 and 29§1.a.i. and iii"
- **Level of the post:** AD 9/AD 12 or AD 13/AD 14
- **Budget:** Operational or research
- **Designation of the post:** Head of Unit, Head of Delegation, etc.
- **Department where the post is located:** DG/Directorate/Unit.
- **Place of employment**

²³ For this eligibility criterion, heads of cabinet and deputy heads of cabinet with two years’ experience in those posts are considered to have the requisite experience.

²⁴ OJ C 73, 22.3.2002, p. 2.

- **Description and nature of the duties:**
- **Profile sought/qualifications required:** this part is subdivided into two categories: the *minimum qualifications required* and *other desirable qualifications* which the appointing authority will take into consideration in assessing the respective merits of the various applicants.
- **Address to which applications should be sent.**
- A **contact** person for further information (compulsory)

ANNEX II
COMPETENCIES REQUIRED TO APPLY FOR A MIDDLE MANAGEMENT POST

Articles 7 and 9 state that applicants for a post as Head of unit must possess certain competencies.

This list of competencies was set out in the document ‘Policy paper on middle management’ adopted by the Commission on 29 October 2001, and is broadly reflected in the ‘Table of competencies and aspects of conduct’ adopted as part of the Career Development Review (CDR).

I – The core competencies are:

- General *management* skills, including:
 - The ability to set and revise objectives for the unit within the overall strategic framework of the Directorate-General.
 - The ability to determine and focus on priorities and to monitor and evaluate the progress made towards achieving the objectives set, in cooperation with the members of the team.
 - The ability to choose co-workers suited to the efficient pursuit of the unit’s objectives.
 - The ability to empower members of the team while ensuring that they understand what is expected of them and how their work contributes to the unit’s objectives.
 - The ability to motivate members of the team to achieve the desired results and also to enable them to achieve their objectives and greatest potential.
- *Communication skills*
 - Ability to communicate clearly and present complex subjects simply, both orally and in writing, including to the members of the team.
- *Interpersonal skills*
 - Ability to deal with people effectively and courteously and to build productive and cooperative working relationships with other units and colleagues.
- *Negotiation skills*
 - Ability to steer discussions and generate the best possible results without compromising productive working relationships with the other parties involved.
- *Previous mobility within the institution*
 - Proven ability to carry out the functions in different environments and/or overall knowledge of the Institution would be very desirable, if not indispensable, for appointment to certain head of unit posts.

II - Technical qualifications include points of the following type:

- *Familiarity with administrative, financial and oversight issues.*
 - Officials must have a good knowledge of the administrative and financial circuits within the Institution and, ideally, experience of them. Knowledge of the relevant procedures would clearly be an additional asset. A high degree of competence in handling budgetary resources could be of key importance, depending on the post in question.

III - **Specialist knowledge** comprises points such as:

- *Knowledge of Community policies, languages, legislation and programmes, particularly those relevant to the post in question*
 - Occupying a head of unit post efficiently and effectively requires possession of these competencies to a high degree. The relative weighting of the various elements will depend largely on the particular features of each post.

ANNEX III

PROBATIONER HEADS OF UNIT ASSESSMENT SHEET
MID TERM REVIEW - OR - FINAL ASSESSMENT
OF MANAGEMENT CAPACITIES FOR PROBATIONER HEADS OF UNIT

Ms/Mr :

DG:

Directorate:

Unit:

Start of the probation period: dd/mm/yy

Staff in the Unit:

Main tasks of the Unit:

.....

Objectives:

.....

Performance indicators:

.....

MANAGEMENT COMPETENCIES

	Good	Average	Insufficient	Motivation
Leadership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			
Management of people (i.e. capacity to motivate and delegate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			
Working with others	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			
Fixing objectives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			
Delivery of results (where appropriate, management of finance)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			

Communication
(and where appropriate, negotiating skills)

Final opinion of the reporting officer:

Successful Unsuccessful

.....
.....

Date:

Signature:

Final opinion of the countersigning officer:

Successful Unsuccessful

.....
.....

Date:

Signature:

Probationer Head of Unit:

Date:

Signature:

Recommendation to the appointing authority

- Establishment as Head of Unit. Prolongation of the trial period.
- Re-assignment to a non-management position (for established officials)
- Termination of contract (for newly recruited officials).

Date:.....

Signature:.....
Director-General