



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.11.2006
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COMMISSION DECISION

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Article 10(3) of Annex XIII to the Staff Regulations,

Whereas:

- (1) The new career structure creates two function groups, assistants and administrators. Provisions have been adopted to ensure the transition to the new career structure.
- (2) As a result, officials in service in categories C or D before 1 May 2004 have been assigned to career streams allowing promotions to grade AST 7 for former category C and to grade AST 5 for former category D.
- (3) However, officials in service in categories C or D before 1 May 2004 may become members of the assistants' function group without restrictions if they pass an open competition or on the basis of an attestation procedure.
- (4) To that end, the rules for implementing the attestation procedure had to be adopted by the institutions before 1 May 2004.
- (5) The rules for implementing the attestation procedure were adopted on 7 April 2004².
- (6) These implementing rules should, however, be adapted in the light of the experience gained during the first attestation exercise,

HAS DECIDED AS FOLLOWS:

Article 1: Purpose

1. The purpose of the attestation procedure is to select officials in service in categories C or D before 1 May 2004 who may become members of the assistants' function group without restrictions.

¹ OJ L 56, 4.3.1968. Regulation as last amended by Regulation (EC, Euratom) No 723/2004 (OJ L 124, 27.4.2004, p. 1).

² Commission decision C(2004) 1318 final of 7 April 2004.

2. Officials referred to in paragraph 1 appointed to a permanent post in the Commission in accordance with Article 1a of the Staff Regulations who, on the date of publication of the call for applications, are seconded in the interests of the service or are assigned to one of the positions referred to in Article 35 of the Staff Regulations – in active employment, on parental leave or on family leave –, may apply for attestation.

However, officials referred to in paragraph 1 who, during the year in question, are to be retired pursuant to Article 52 of the Staff Regulations, or whose service is to be terminated by the Commission within the meaning of Article 47 of the Staff Regulations, or to whom the Commission has granted an invalidity allowance pursuant to Article 78 of the Staff Regulations which is to take effect in that year, may not apply for attestation.

Article 2: Frequency of the attestation procedure

1. Attestation exercises shall be launched annually from 2005 until 2009.
2. Before 31 December 2009, the Directorate-General for Personnel and Administration shall carry out an analysis with the aim of verifying the number of officials referred to in Article 1(1) who met the criteria listed in Article 5(1). The analysis shall also examine whether the officials concerned in the External Service were eligible for the attestation procedure. On the basis of this analysis the appointing authority shall decide, after consulting the Central Staff Committee, whether to organise the attestation procedure in whole or in part in 2010 and in subsequent years.

Article 3: Stages in the attestation procedure

The attestation procedure shall comprise three stages: publication of a call for applications; establishment of a list of admitted applicants; attestation on posts at "Administrative assistant" level.³

Article 4: Publication of calls for applications

Each year the appointing authority shall adopt detailed rules for applying the criteria referred to in Article 5, after consulting the committee referred to in Article 7. Following that decision, a call for applications shall be published by the appointing authority.

Article 5: Establishment of the list of admitted applicants

1. Officials referred to in Article 1 who have applied shall be admitted to the attestation procedure, after consultation of the committee referred to in Article 7, provided they meet each of the following four criteria:
 - have a level of education at least equivalent to that required by Article 5(3)(a) of the Staff Regulations to be appointed official in the assistants' function group;

³ All posts with functions corresponding to category B* are considered at "Administrative assistant" level.

- have at least five years' seniority in career stream C or D. If periods of employment in career stream C or D are taken into account to satisfy the criterion referred to in the above indent, the minimum seniority required shall be increased by the number of months corresponding to these periods of employment;
 - have the recognised potential to perform "Administrative assistant" level functions;
 - not be in a situation of inadequate performance or insufficiency.⁴
2. During each attestation exercise the appointing authority shall establish the draft list of officials who have applied for and are considered admitted to the attestation procedure. This draft list shall be submitted to the committee referred to in Article 7 for an opinion and then published.
 3. Officials who have applied and believe they meet the criteria set out in paragraph 1 but who are not included on the list referred to in paragraph 2 may appeal to the committee referred to in Article 7 within ten working days of publication of the list.

They must justify their appeal and supply the committee referred to in Article 7 with all the necessary supporting documents.

The committee referred to in Article 7 shall deliver an opinion within 20 working days and shall notify the appointing authority; the latter shall decide on the action to be taken.

4. The final list of applicants admitted to the attestation procedure shall be adopted and published by the appointing authority.
5. The benefit of being admitted to the attestation procedure – obtained with effect from the 2006 attestation exercise – shall not be subject to any time limit.

Article 6: Attestation of admitted officials

1. Officials admitted to one of the attestation exercises organised from 2006 onwards shall be appointed to an "Administrative assistant" level post in order to be deemed attested and thus become members of the assistants' function group without restrictions. The attestation shall be granted after the information declared in the application form has been verified.
2. In order to consolidate the competencies they require to perform tasks at a higher level the officials admitted shall be encouraged to follow a specific training module taking account of the needs of the service to which they are assigned. Participation in this training module may not be considered a prerequisite for attestation itself.
3. The appointing authority shall publish before 31 March each year the list of officials attested the previous calendar year.

⁴ According to the Commission Decision C(2004)1597 of 28 April 2004 on maintaining individual professional standards.

Article 7: Joint attestation committee

1. A joint attestation committee shall be established.
2. Its membership shall be as follows: a chairperson employed as director or head of unit and appointed by the Director-General for Personnel and Administration; five members belonging to the administrators' function group appointed by the Director-General for Personnel and Administration, of whom at least one is remunerated from the research budget; five members appointed by the Central Staff Committee.

Each full member shall have an alternate appointed in accordance with the above conditions.

3. In the absence of the chairperson, his/her alternate shall preside. Alternate members may attend meetings even when full members are present; however, in that case they shall not be entitled to vote. Alternate members shall automatically be entitled to vote if the full member they represent is absent.

In addition, when the number of full members present, appointed respectively by the Director-General for Personnel and Administration and by the Central Staff Committee, is fewer than five, the alternate member shall be entitled to vote provided the total number of members (full and alternate) entitled to vote does not exceed five appointed by the Director-General for Personnel and Administration and five appointed by the Central Staff Committee.

The chairperson or any committee member having an interest likely to compromise their independence when discussing a dossier must stand down in favour of their alternate or not participate in the work of the committee.

4. The committee shall meet at the invitation of its chairperson or at the request of the Central Staff Committee. Its decisions shall be valid provided that ten members entitled to vote, including five appointed by the Central Staff Committee, are present. Opinions shall be adopted by simple majority of the members present entitled to vote. The chairperson shall vote only if votes are equally split.
5. The committee shall adopt its rules of procedure at its first meeting.
6. On a regular basis and at least twice a year, on the initiative of the Director-General for Personnel and Administration or at the request of the committee, the latter shall be informed by the appointing authority on the implementation of the attestation procedure. The committee shall monitor in particular:
 - the number of officials actually attested under Article 6;
 - the breakdown by service and by place of employment;
 - the number of posts by service, the functions of which were modified to correspond to "Administrative assistant" level functions;
 - the profile of those attested in terms of gender, age, grade, seniority as an official and level of education;

- the number of attested officials from career stream D*;
- the number of admitted officials who participated in the training module referred to in Article 6(2).

On the basis of that information the committee shall adopt any recommendation which it considers appropriate for transmission to the appointing authority. It may in particular recommend that the appointing authority adapt the application form referred to in Article 5(1) and the procedure for evaluating the potential referred to in the third indent of Article 5(1).

7. At the beginning of each year, the committee shall adopt an opinion on the implementation of the attestation procedure during the previous calendar year. This opinion shall be transmitted to the appointing authority and to the Central Staff Committee.

Article 8: Transitional provisions

If they fulfil the conditions stipulated in Article 1 and if they apply under the 2006 attestation exercise, the 200 applicants for the 2005 attestation exercise who were authorised to apply for an "Administrative assistant" level post but were not attested in 2006 shall be considered admitted under the 2006 attestation exercise.

Article 9: Final provisions

These provisions replace the general provisions for implementing the attestation procedure adopted by the Commission on 7 April 2004. They shall enter into force on the day following their adoption.

Done at Brussels,

For the Commission
S. Kallas
Vice-President of the Commission