



EUROPEAN
COURT
OF AUDITORS

**Decision No 30-2016 laying down general rules for implementing Article 45a of the Staff Regulations
(certification procedure for transferring from one function group to another)**

THE SECRETARY-GENERAL OF THE EUROPEAN COURT OF AUDITORS

- HAVING REGARD TO the Staff Regulations of officials of the European Union and the conditions of employment of other servants of the European Union, as laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Article 45a of the Staff Regulations;
- HAVING REGARD TO the opinion of the Staff Committee;
- HAVING REGARD TO the opinion of the Staff Regulations Committee;
- WHEREAS the Staff Regulations make provision for two function groups: assistants ("the AST function group") and administrators ("the AD function group");
- WHEREAS according to Article 45a of the Staff Regulations, a procedure known as the certification procedure must be introduced for selecting officials from the AST function group, from grade 5 upwards, who are eligible for appointment to a post in the AD function group;
- WHEREAS according to Article 45a(5), the Appointing Authority of each institution shall adopt general rules for implementing the certification procedure;
- WHEREAS according to Article 4(1) of Court of Auditors Decision No 29-2015 relating to the exercise of the powers conferred on the Appointing Authority by the Staff Regulations of Officials and on the authority empowered to conclude contracts of employment by the Conditions of Employment of Other Servants, the Secretary-General shall exercise the powers of Appointing Authority as regards Article 45a of the Staff Regulations;

HAS DECIDED:

Article 1 Aim

The aim of the certification procedure is to select officials from the AST function group, from grade 5 upwards, who are eligible for appointment to a post in the AD function group.

¹ OJ L 56, 4.3.1968, p. 1. Regulation last amended by Regulation (EU, Euratom) No 1023/2013 (OJ L 287, 29.10.2013, p. 15).

Article 2 Procedure

1. The certification procedure shall be organised each year.
2. It comprises six stages:
 - establishing the number of officials authorised to take part in the training programme and publishing a call for applications;
 - assessing the eligibility of applications;
 - the Appointing Authority drawing up the list of officials authorised to take part in the training programme;
 - participating in the training programme;
 - organising written and oral tests and drawing up the list of officials who have passed the tests certifying that they have successfully completed the training programme;
 - the Appointing Authority publishing the list of officials who have passed the tests.

Article 3 Number of officials authorised to take part in the training programme, evaluation criteria and call for applications

1. Each year, after consulting the Joint Committee referred to by Article 9(1) of the Staff Regulations and created by Decision No 17-2016 of 29 February 2016 establishing a Joint Committee, the Appointing Authority shall determine:
 - the number of officials authorised to take part in the training programme mentioned in Article 45a(1) of the Staff Regulations, which shall not exceed 20% of the total number of appointments made each year to posts in the AD function group in accordance with Article 29(1) of the Staff Regulations;
 - the content and weighting of the criteria on the basis of which candidates will be assessed and ranked, in accordance with Article 45a(2) of the Staff Regulations.
2. The Appointing Authority shall notify staff of these decisions at the same time as it calls for applications.

Article 4 Eligibility of applications

1. Applications by officials in the AST function group shall be deemed eligible if, on 31 December in the year the certification procedure is launched, they satisfy each of the following requirements:
 - they shall have at least five years' seniority in the AST function group and shall be at least grade 5. Account shall be taken of seniority acquired as a temporary member of staff in at least grade 5, provided that the periods of activity as a temporary member of staff and as an official have been continuous;
 - they shall occupy one of the positions referred to in Article 35 of the Staff Regulations, i.e. active employment, secondment, leave on personal grounds, non-active status, leave for military service, parental or family leave, or leave in the interests of the service;
 - At least three of the previous five years reports referred to in Article 43 of the Staff Regulations shall contain an opinion as to whether the officials concerned have the potential to carry out an administrator's function.
2. Applications may not be submitted by officials:

- who will be retired in accordance with Article 52 of the Staff Regulations within two years of following the training programme;
 - whose service the Appointing Authority has decided to terminate under Article 47 of the Staff Regulations;
 - to whom the Appointing Authority, in accordance with Article 78 of the Staff Regulations, has granted an invalidity allowance with effect from the year concerned.
3. The Appointing Authority shall draw up and publish a list of eligible officials on the basis of the aforementioned criteria.

Article 5 List of officials selected to take part in the training programme

1. A list of eligible officials in order of priority shall be drawn up on the basis of:
 - the reports referred to in Article 43 of the Staff Regulations;
 - their level of education and training;
 - the requirements of the service, and
 - their professional experience acquired in the European institutions and other EU bodies.
2. The Appointing Authority shall draw up a draft list of the officials selected to take part in the training programme. This draft list shall include the first officials in the order of priority mentioned in paragraph 1 and shall also include the number of officials authorised under Article 3(1) to take part in the training programme. The list shall be submitted to the Joint Committee for an opinion and then published by the Appointing Authority.
3. Within 10 working days of the list being published, officials who have submitted an application in accordance with Article 3(2) and who object to the draft list mentioned in the previous paragraph may lodge a reasoned appeal with the Appointing Authority. This appeal must include all relevant supporting documents and information. The Appointing Authority shall forward a copy of the appeal to the Joint Committee for an opinion.
4. Following this period and after any appeals have been examined, the Appointing Authority shall adopt and publish the list of officials selected to take part in the training programme.

Article 6 Participation in the training programme

1. In accordance with Article 2(2) of the Staff Regulations, the Court shall delegate to the European Administrative School ("the School") responsibility for organising the training programme, pursuant to the Decision by the Secretaries-General of the European Parliament, the Council and the Commission, the Registrar of the Court of Justice, the Secretaries-General of the Court of Auditors, the European Economic and Social Committee, the Committee of the Regions and the Representative of the European Ombudsman on the organisation and running of the School. The training programme shall be established by the School in consultation with the institutions concerned.
2. Officials who are prevented from completing their training for a duly substantiated reason (e.g. illness, parental leave as envisaged in Article 42a of the Staff Regulations, family leave as envisaged in Article 42b of the Staff Regulations, or maternity leave as envisaged in Article 58 of the Staff Regulations) may be authorised to complete it the following year without having to re-apply. In such cases, the Appointing Authority may authorise the next official on the list mentioned in Article 5(4) to take part in the training programme.
3. The Court will ensure that the School organises the training programme in such a way as to enable officials to carry out their duties on a part-time basis, in accordance with Article 55a(2).

Article 7 Written and oral tests

1. The content of the written and oral tests shall be established by the European Personnel Selection Office (EPSO). In accordance with Article 2(2) of the Staff Regulations, the Court shall delegate responsibility for organising the written and oral tests to EPSO and to the School.
2. Only officials whom the School certifies as having completed the training programme shall be authorised to sit the tests.
3. Officials whom the School certifies as having completed the training programme but who have not been included in the list mentioned in Article 8(1) shall be authorised to resit the tests no more than twice in the following two years.

Article 8 List of officials who have passed the tests certifying that they have successfully completed the training programme

1. In accordance with Article 2(2) of the Staff Regulations, the Court shall delegate to EPSO and to the School responsibility for drawing up the list of officials who have passed the tests mentioned in Article 7.
2. The Appointing Authority shall publish the list of Court officials who have passed the written and oral tests, as drawn up by EPSO and the School.

Article 9 Applying for vacant posts in the AD function group

1. Officials on the list mentioned in Article 8(1) may apply for vacant posts in the AD function group corresponding to their grade, in accordance with the terms of Article 29(1)(a)(ii) and (b) of the Staff Regulations.
2. The Appointing Authority shall ensure, in accordance with Article 45a of the Staff Regulations, that the number of officials who have been successful in the certification procedure and who are appointed to posts in the AD function group does not exceed 20% of the total number of appointments made each year in that function group.

Article 10 Final provisions

This Decision shall come into effect immediately. It supersedes Court of Auditors Decision No 47-2005 laying down general rules for implementing Article 45a of the Staff Regulations (certification procedure for transferring from one function group to another) and Decision No 58-2005 creating a Joint Committee for the certification procedure.

Luxembourg,

Eduardo Ruiz García
Secretary-General

UNION EUROPÉENNE
COMITÉ DU STATUT

AVIS N° 365/2016

du Comité du statut

sur le projet de décision de la Cour des comptes n° 30-2016 "*laying down general rules for implementing Article 45a of the Staff Regulations (certification procedure for transferring from one function group to another)*"

1. Par lettre en date du 30 mai 2016, Monsieur Zacharias KOLIAS, directeur Ressources humaines, Finances et Services généraux à la Cour des comptes européenne, a soumis pour avis au Comité du statut le projet de décision mentionné ci-dessus.
2. Le Comité du statut a examiné ce projet au cours de la sa 235-II^{ème} réunion, tenue à Luxembourg le 21 juin 2016.
3. Le Comité du statut a émis, par consensus, un avis favorable sur le texte joint en annexe au présent avis.