



Council of the European Union
General Secretariat

Brussels, 3 October 2017
(OR. en)

DE 34/17

LEGAL ACTS

Subject: **DECISION N° 34/2017 OF THE SECRETARY-GENERAL OF THE
COUNCIL adopting general implementing provisions on certification
pursuant to Article 45a of the Staff Regulations**

DECISION N° 34/2017
OF THE SECRETARY-GENERAL OF THE COUNCIL

adopting general implementing provisions on certification pursuant to Article 45a of the Staff Regulations

THE SECRETARY-GENERAL OF THE COUNCIL,

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 thereof,

Council Decision (EU) 2017/262 of 6 February 2017 determining, for the General Secretariat of the Council, the appointing authority and the authority empowered to conclude contracts of employment, and repealing Decision 2013/811/EU²,

Having consulted the Staff Committee,

Having consulted the Staff Regulations Committee,

Whereas:

- (1) The terms of Article 45a of the Staff Regulations set out a certification procedure for the selection of officials in function group AST, from grade 5, who qualify for appointment to a post in function group AD.
- (2) Pursuant to Article 45a(5), the institutions' appointing authorities each adopt general implementing provisions for the certification procedure.

¹ OJ L 56, 4.3.1968. Regulation last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 (OJ L 287, 29.10.2013, p.15).

² OJ L 39, 16 February 2017, p. 4.

- (3) To this end, general implementing provision for the certification procedure were adopted by Decision No 62/2015 of the Secretary-General of the Council of 16 December 2015.
- (4) Further to monitoring recommendations made by the Joint Certification Committee, in order to ensure that the Joint Certification Committee can fulfil its role as an impartial appeals body to which candidates whose names do not appear on the list of officials authorised to take part in the training programme may submit a request for reconsideration, it is appropriate to more clearly differentiate the respective roles of the members of the interview panel which submits to the Appointing Authority an assessment of those candidates interviewed.
- (5) The general implementing provisions laid down by Decision No 62/2015 of the Secretary-General of the Council should therefore be modified.

HAS DECIDED AS FOLLOWS:

Article 1

Frequency of the certification exercise

1. The Appointing Authority shall organise a certification exercise each year.
2. By way of derogation, the Appointing Authority may decide not to organise a certification exercise, in particular in the light of recruitment forecasts or budgetary constraints. It shall inform the Joint Committee referred to in the second indent of Article 9(1) of the Staff Regulations (hereinafter "COPAR") of its reasons for not launching the exercise.

Article 2

Guidelines setting out the selection criteria and the process

1. The Appointing Authority, having consulted COPAR, shall draw up Guidelines for the certification exercise setting out the selection criteria and process. Within the framework of a comparative analysis guided by the needs of the service, these Guidelines must take account of:
 - i) merit, as indicated in the reports referred to in Article 43 of the Staff Regulations and in particular the level of responsibility exercised and the ability and motivation demonstrated by candidates to carry out the duties of an administrator;
 - ii) professional experience relevant to carrying out the duties of an administrator, including the way candidates have performed or are performing the tasks entrusted to them; and
 - iii) the level of education and training.
2. These Guidelines shall be published.
3. These Guidelines may be amended prior to the launch of a certification exercise, by decision of the Appointing Authority, having consulted COPAR.

Article 3

Number of officials authorised to follow the training programme

Up to four officials may be authorised to follow the training programme referred to in Article 45a(1) of the Staff Regulations each year, subject to the limitation provided for in Article 45a(4), namely that the number of appointments to posts in function group AD of certified officials must not exceed 20 % of the total number of appointments made to this function group per year in accordance with the second paragraph of Article 30 of the Staff Regulations.

Article 4
Call for applications

The Appointing Authority shall launch the certification exercise by publishing a call for applications, specifying the information that must be provided by candidates in their applications and a closing date for receipt of applications.

Article 5
Eligibility to apply for certification

1. The certification exercise is open to officials who have been appointed to an established post at the General Secretariat of the Council (hereinafter, GSC) in accordance with Article 1a of the Staff Regulations and who, on the date of publication of the call for applications referred to in Article 4, fulfil each of the three conditions set out below:
 - are in function group AST at grade 5 or above;
 - are in active employment, on parental leave or on family leave, or have been seconded in the interests of the service;
 - have been assessed in at least two of the last three most recent staff reports, referred to in Article 43 of the Staff Regulations, as having the potential required to take on the functions of an administrator; each such statement must be duly reasoned by the second reporting officer and must be included in the staff report. Only one such statement can be taken into account for each reporting period.

2. However, the following officials may not apply:
 - those who, during the current or following year, are to be retired automatically under Article 52 of the Staff Regulations;
 - those in respect of whom the Appointing Authority has adopted a decision resulting in termination of service, within the meaning of Article 47 of the Staff Regulations;

- those to whom the Appointing Authority has granted an invalidity allowance, under Article 78 of the Staff Regulations;
- those whom the Appointing Authority has placed on leave in the interests of the service, under Article 42c of the Staff Regulations;
- those who were admitted to the training programme in a previous exercise.

Article 6

Confirmation of eligibility

1. Officials who satisfy the criteria set out in Article 5 shall be eligible, provided that they have submitted their application and all the requisite information specified in the call for applications by the closing date.
2. The Appointing Authority shall inform all candidates if they are eligible or not for the certification exercise.
3. Within 5 working days following the notification to the candidates referred to in paragraph 2, those officials who were informed that they were not eligible and who believe they satisfy the criteria set out in Article 5, may submit a duly motivated request for reconsideration to the Appointing Authority, accompanied by all relevant supporting documents and information.
4. Within 5 working days following the expiry of the deadline laid down in paragraph 3, the Appointing Authority will inform those candidates who have requested their application to be reconsidered whether they are definitely eligible or not.

Article 7

The interview

The eligible candidates shall be interviewed on the basis of the selection criteria set out in Article 2(1). Interviews shall be conducted by a panel composed of three members and two observers, who are members of the Joint Certification Committee, nominated by the Appointing Authority and the Staff Committee³ respectively.

Article 8

Establishment of the list of officials authorised to take part in the training programme

1. Following the interviews and on the basis of the assessment made by the interview panel, as well as the selection criteria laid down in Article 2(1), the Appointing Authority shall establish the draft list provided for in the first subparagraph of Article 45a(2) of the Staff Regulations, of the names of the officials selected to take part in the training programme, in alphabetical order. The Appointing Authority shall provide the draft list to all candidates interviewed .
2. Within 7 working days following notification to the candidates interviewed, those who have not been included on the draft list referred to in paragraph 1 may submit a duly motivated request for reconsideration to the Joint Certification Committee. The Joint Certification Committee may interview officials who have submitted such a request as well as representatives from the Appointing Authority.
3. Within 7 working days following the expiry of the deadline laid down in paragraph 2, the Joint Certification Committee will deliver a reasoned opinion on the draft list provided for in Article 45a(2) of the Staff Regulations to the Appointing Authority, after having examined the requests for reconsideration received in accordance with paragraph 2.

³ See Decision 29/2006 of the Deputy Secretary-General setting up a Joint Certification Committee.

4. The Appointing Authority shall establish the final list of officials authorised to take part in the training programme having regard to the opinion delivered by the Joint Certification Committee. The Appointing Authority shall inform all candidates interviewed if they have been selected to follow the training programme or not and provide them with the final list.

Article 9

Participation in the training programme

1. Pursuant to Article 2(2) of the Staff Regulations, the GSC shall entrust the task of devising and organising the training programme to the European School of Administration (hereinafter "the School"), in accordance with the decision of the Secretaries-General of the European Parliament, the Council, 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 School⁴.
2. If they so wish, those officials placed on the list referred to in Article 8(4) who take parental leave, family leave, maternity leave or are seconded in the interests of the service prior to or during the period in which the training programme takes place, may be authorised to follow the training programme the following year without being required to submit a new application. Those officials must still fulfil the conditions set out in the first and second indents of Article 5(1) and may not fall into one of the categories referred to in Article 5(2).
3. The GSC shall ensure that the School organises the training programme so as to allow the participation of officials authorised to work part time in accordance with Article 55a(2) of the Staff Regulations.

⁴ Decision 2005/119/EC of 26 January 2005, OJ L 37, 10.2.2005, p. 17.

Article 10

Written and oral examinations

1. The European Personnel Selection Office (hereinafter "EPSO") shall determine the content of the written and oral examinations and be responsible for the organisation of those examinations.
2. Only officials whom the School certifies as having taken part in the training programme shall be allowed to sit the examinations.
3. Those officials certified by the School as having taken part in the training programme and who have not been placed on the list referred to in Article 11(1) shall twice be allowed to re-sit the examinations that they have failed. Those officials must still fulfil the conditions set out in the first and second indents of Article 5(1) and may not fall into one of the categories referred to in Article 5(2).

Article 11

Establishment of the list of GSC officials who have passed the examinations

1. Pursuant to Article 2(2) of the Staff Regulations, EPSO shall establish the list of GSC officials who have passed the written and oral examinations.
2. The Appointing Authority shall publish the list referred to in paragraph 1.
3. The list referred to in paragraph 1 shall have a limited period of validity which will run for 60 months from the date of publication. The period of validity of that list may be extended by the Appointing Authority, having consulted COPAR.
4. The limitation of the period of validity shall only apply to officials who submit applications as of the 2015 certification exercise.

Article 12

Vacancies in function group AD

1. Officials whose names appear on the list referred to in Article 11(1) may apply for vacant posts in function group AD corresponding to their grade in accordance with Article 29(1)(a)(ii) and (b) of the Staff Regulations and for as long as this list remains valid.
2. Without prejudice to Article 7 of the Staff Regulations, the Appointing Authority shall encourage certified officials to apply for the first suitable vacancy that becomes available in the Directorate-General or service in which they demonstrated their potential to carry out the duties of an administrator.

Article 13

Monitoring the procedure

At the conclusion of each exercise, the Joint Certification Committee shall adopt a reasoned opinion on the outcome of the exercise, including recommendations as appropriate for the attention of the Appointing Authority.

Article 14

Final provisions

This Decision shall enter into force on the day following that of its signature.

This Decision repeals Decision No 62/2015 of the Secretary-General of the Council, of 16 December 2015, adopting general implementing provisions on certification pursuant to Article 45a of the Staff Regulations.

DECISION N° 34/2017
DE 34/17

Done at Brussels,
Fait à Bruxelles, le

The Secretary-General
Le Secrétaire général

A handwritten signature in black ink, appearing to read 'Jeppe TRANHOLM-MIKKELSEN', written over the printed name.

Jeppe TRANHOLM-MIKKELSEN