

**EUROPEAN EXTERNAL ACTION SERVICE**



GREFFE

**Decision of the High Representative of the Union for Foreign Affairs  
and Security Policy**

**of 14/12/2016**

**adopting general provisions for implementing  
Article 45a of the Staff Regulations on certification**

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The High Representative of the Union for Foreign Affairs and Security Policy ('High Representative'), in her capacity as Appointing Authority ('AA') and Authority Empowered to Conclude Contracts of Employment of the European External Action Service ('EEAS'),

Having regard to the Council decision of 26 July 2010<sup>1</sup> establishing the organisation and the functioning of the European External Action Service, and in particular Article 6(5) thereof

Having regard to the Staff Regulations of Officials of the European Union ('the Staff Regulations')<sup>2</sup>, and in particular Article 95 (1) thereof;

Following consultations in the framework of the Social Dialogue,

After consulting the Staff Committee,

After consulting the Staff Regulations Committee,

Whereas:

- (1) The purpose of certification is essentially to recognise that an Assistant (AST) official has acquired the skills required to become an Administrator (AD) on the basis of his or her merit, professional experience and the training received in the course of his or her professional career.
- (2) In accordance with Article 45a of the Staff Regulations, a certification procedure must be established in order to facilitate the selection of officials from function group AST, from grade 5 and above, who are suitable for appointment to a post in function group AD.
- (3) Under Article 45a(5) the appointing authority of each institution should adopt general provisions for implementing the certification procedure.
- (4) Article 2 of the Decision of the High Representative of 22 November 2011 (PROC HR(2011) 013) provides that the general implementing provisions for Article 45a of the Staff Regulations adopted by the Council<sup>3</sup> shall apply by analogy to the staff of the EEAS until such time as the EEAS adopts its own implementing provisions.

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<sup>1</sup> OJ L201/10 of 3 August 2010.

<sup>2</sup> As last amended by Regulation (EU, Euratom) N°1023/2013 of the European Parliament and the Council of 22 October 2013, OJ L287, 29.10.2013, p.15.

<sup>3</sup> Décision du Conseil du 20 septembre 2005 relative aux dispositions générales d'exécution de l'article 45 bis du Statut (published in the Communication au Personnel 162/05 of 26/9/2005).

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- (5) These implementing provisions should be replaced by general implementing provisions adopted for the EEAS with a view to simplifying the procedure and improving the long-term management of the certification procedure.
- (6) Adopting such provisions is in line with earlier requests of Staff Representatives -

### **HAS DECIDED AS FOLLOWS:**

#### *Article 1* *Frequency*

1. The Appointing Authority shall organise a regular certification exercise, at least once every two years. For the exercise, the maximum percentage of appointments in function group AD laid down in Article 45a(4) of the Staff Regulations will be taken into account.
2. If the Appointing Authority decides in a given year not to organise a certification exercise in the light of limited recruitment forecasts or budgetary constraints, it shall consult the Joint Certification Committee and explain its reasons for not organising the procedure.

#### *Article 2* *Bodies*

1. A Joint Certification Committee [*hereafter*: the Committee] shall be established under the terms of the annex to this decision. The Committee shall:
  - be consulted on the holding of an annual exercise, the number of training possibilities and the guidelines for the exercise;
  - examine the appeals against the non-inclusion in the draft list of candidates selected for an interview
  - issue an opinion on the draft list of candidates resulting from the interview phase;
  - be consulted on an extension of the period of validity of the list of certified staff.
2. A Pre-selection Panel will be established by decision of the Director for Human Resources, under the terms of the annex, to assess the application files of eligible candidates.
3. An Interview Panel shall be established under the terms of the annex, to interview the candidates whose names appear on the list of candidates selected for an interview.

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## *Article 3*

### *Eligibility criteria*

1. Certification is open to officials in function group AST who have been appointed to an established post in the EEAS<sup>4</sup> and who, on the closing date of the call for expressions of interest, fulfil each of the three conditions set out below:
  - a. the official must be in function group AST at grade 5 or above. The retroactive effect of a promotion occurring after the closing date of the call for expressions of interest will not be taken into account;
  - b. the official must be in active employment, on secondment in the interest of the service, on parental leave or on family leave;
  - c. two of the last three reports referred to in Article 43 of the Staff Regulations must state that the official has the potential required to take on the functions of an administrator.
  
2. However, the following officials are not eligible:
  - a. those who, during the year in question or the following year, are to be automatically retired under Article 52 of the Staff Regulations;
  - b. those in respect of whom the EEAS has adopted a decision resulting in the definitive termination of their service within the meaning of Article 47 of the Staff Regulations;
  - c. those receiving an invalidity allowance under Article 78 of the Staff Regulations;
  - d. those whom the Appointing Authority has placed on leave in the interests of the service, under article 42c of the Staff Regulations.

## *Article 4*

### *Selection criteria*

1. The selection process must take account of:
  - a. merit as indicated in the annual reports referred to in Article 43 of the Staff Regulations;
  - b. relevant professional experience;
  - c. the level of responsibility exercised and the ability and motivation demonstrated by the candidates to carry out the duties of an administrator, particularly as regards the way they have performed or are performing the tasks entrusted to them;
  - d. the relevant level of education and training, as demonstrated by officially recognised qualifications/diplomas.

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<sup>4</sup> In accordance with Article 1a of the Staff Regulations

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## *Article 5* *Procedure*

1. At the beginning of each certification exercise, in consultation with the Committee, the Appointing Authority shall determine the number of officials to be authorised to take part in the training programme<sup>5</sup>.
2. Guidelines setting out the criteria and selection process, including the value and the weighting of the criteria, for the pre-selection and the interview phase of the exercise shall be drawn up by the Appointing Authority after consulting the Committee. They may be amended at the beginning of each certification exercise. They shall be communicated to all EEAS staff.
3. Once the decision on the exercise has been taken, the Appointing Authority shall launch the exercise by publishing a call for expressions of interest. In this call, it shall specify the information that must be provided in order to apply for the certification procedure.
4. The list of eligible candidates is established as follows:
  - a. The Appointing Authority shall draw up and publish a draft list of officials eligible for the certification exercise on the basis of the criteria referred to in Article 3.
  - b. Within 5 working days following the publication of the draft list, those officials who believe they satisfy the criteria set out in Article 3 may submit a duly motivated request for reconsideration to the Appointing Authority, accompanied by all relevant supporting documents and information.
  - c. Within 5 working days following the expiry of the deadline laid down in paragraph b, the Appointing Authority will inform those candidates who have requested their application to be reconsidered whether they are definitely eligible or not.
  - d. The Appointing Authority shall draw up and publish the final list of eligible candidates.
5. The Pre-selection Panel referred to in Article 2 shall proceed to a comparative evaluation of the application files of candidates on the basis of the guidelines mentioned in paragraph 2 and establish the draft list of candidates which will be invited to an interview.
6. The Appointing Authority shall publish the draft list of candidates referred to in paragraph 5, who have been selected for an interview by the Interview Panel.

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<sup>5</sup> referred to in Article 45a(1) of the Staff Regulations

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7. Officials who contest their omission from the draft list of candidates selected for an interview by the Interview Panel, may appeal to the Committee within five working days of the publication of the respective list. They must state the reasons for their appeal and supply all the relevant supporting documents and information.

The Committee shall convene within 10 days and shall deliver a majority opinion which it shall communicate to the Appointing Authority.

8. The Appointing Authority shall draw up and publish the final list of candidates selected for an interview by the Interview Panel.

Candidates who have submitted an appeal shall be informed of the Appointing Authority's decision.

9. The Interview Panel shall interview the pre-selected candidates in order to draw up a preliminary draft list of officials authorised to take part in the training programme, with due regard for the maximum number referred to in paragraph 1. The Panel's selection method will be explained in detail in the guidelines referred to in paragraph 2.

The preliminary draft list shall be presented to the Appointing Authority which will then transmit it to the Committee in the form of a draft list, including any amendments it has made, as provided for in the first subparagraph of Article 45a(2) of the Staff Regulations.

Within 10 working days, the Committee shall issue the majority opinion provided for in the second subparagraph of Article 45a(2) of the Staff Regulations. The Committee shall transmit its opinion to the Appointing Authority.

10. The Appointing Authority shall approve and publish the final list of officials selected to take part in the training programme.

Any candidate who was interviewed by the Interview Panel but not selected to attend the training may lodge a complaint under Article 90§2 of the Staff Regulations.

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## *Article 6*

### *Participation in the training programme*

1. Under Article 2(2) of the Staff Regulations, the EEAS shall delegate the design and organisation of the training programme to the European School of Administration ('the School of Administration'), in accordance with Article 1 of decision 2005/119/EC<sup>6</sup>.
2. Any official who is included on the list referred to in Article 5(10) and who is on parental leave, family leave or maternity leave before or during the period of the training programme shall be authorised to take part in the training programme the following year without having to submit a new application.

## *Article 7*

### *Organisation of the tests and establishment of the list of successful officials*

1. The European Personnel Selection Office ('EPSO') shall be responsible for the content of the written and oral tests and for their organisation. Pursuant to Article 2(2) of the Staff Regulations, the EEAS shall delegate the establishment of the list of officials who have passed the tests to EPSO.
2. Only officials whom the School of Administration certifies as having followed the programme shall be authorised to sit the tests.
3. Officials certified by the School of Administration as having followed the training programme but not included on the list referred to in paragraph 1 shall twice be allowed to re-sit the tests referred to in paragraph 1 that they have failed, provided they still fulfil the conditions referred to in Article 3(1)(a) and (b) and still do not fall into one of the categories mentioned in Article 3(2).

## *Article 8*

### *Publication of the list of EEAS officials who have passed the tests*

The Appointing Authority shall publish the list established by EPSO of officials who have passed the written and oral tests. This list shall have a limited period of validity which will run

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<sup>6</sup> Decision 2005/119/EC of the Secretaries-General of the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors, the European Economic and Social Committee and the Committee of the Regions and the Representative of the European Ombudsman of 26 January 2005 on the organisation and running of the European Administrative School (OJ L 37, 10.2.2005, p. 17).

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for 60 months from the date of publication. The period of validity may be extended by the Appointing Authority, having consulted the Committee. The limitation of the period of validity shall also apply to officials certified before the adoption of this decision. The period of validity for these officials shall start to run on the date of adoption of this decision.

### *Article 9*

#### *Appointment to a post in function group AD*

1. Officials included on the list referred to in Article 8 may apply for vacant posts in function group AD corresponding to their grade as long as the list remains valid.
2. The Appointing Authority shall encourage certified officials to apply for the first suitable vacancy that becomes available in the Department or service in which they demonstrated their potential to carry out the duties of an administrator.

### *Article 10*

#### *Final provisions*

1. This decision shall enter into force on the day following that of its adoption.
2. The rules set out in the decision of the Council of 20 September 2005 on general provisions for implementing Article 45bis of the Staff Regulations shall no longer apply as of the entry into force of this decision. This decision replaces the decision of the Human Resources Director of the EEAS of 10 February 2014 regarding the criteria for the classification of applications in view of the certification procedure and the selection procedure and the decision ADMIN (2015)45 of the Director for Human Resources of the European External Action Service of 8/12/2015 on the procedure for the determination of the number of training possibilities, the selection criteria and the selection procedure for participation in the certification training programme.

Done at Brussels,

**14 DEC. 2016**



High Representative of the Union for Foreign  
Affairs and Security Policy



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## **ANNEX - BODIES**

### ***Article 1***

#### ***Joint Certification Committee***

1. The Joint Certification Committee shall be chaired by an official at least in grade AD13 who exercises or has exercised staff management functions and who will be appointed by the Director for Human Resources. The same provisions shall apply to the chair's alternate.
2. The Committee shall be composed of a further two officials or temporary agents of function group AD, appointed by the Director for Human Resources, and a further two officials or temporary agents of function group AD appointed by the EEAS Staff Committee. The Director for Human Resources and the EEAS Staff Committee shall also each appoint two alternates from function group AD.
3. The chair and, in his or her absence, his or her alternate, shall not vote.

### ***Article 2***

#### ***Pre-selection Panel***

1. The Pre-Selection Panel shall be appointed by the Director for Human Resources.
2. It shall be made up by three AD officials, including the chair, from various parts of the EEAS holding the position of Head of Division or equivalent as well as one observer designated by the Staff Committee. The chair shall be held by an official at least in grade AD13 who exercises or has exercised staff management functions. The Director for Human Resources will appoint as well one alternate chair and one alternate member of the Panel.
3. The chair and, in his or her absence, his or her alternate, shall have the right to vote.

### ***Article 3***

#### ***Interview Panel***

1. The Interview Panel shall be appointed by the Director for Human Resources.
2. It shall be chaired by an official at least in grade AD13 who exercises or has exercised staff management. It shall comprise two other members, managers from various parts of the

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EEAS as well as one observer designated by the Staff Committee. The Director for Human Resources will appoint as well one alternate chair and one alternate member of the Panel.

3. The chair and, in his or her absence, his or her alternate, shall have the right to vote.

### ***Article 4***

#### ***Committee and panel membership***

It is only possible to be a member or observer of one of the above-mentioned bodies.

### ***Article 5***

#### ***Conflict of interests***

In accordance with Articles 11 and 11a of the Staff Regulations, all members of the Committee or Panels, including the chair, shall carry out their duties and conduct themselves solely with the interests of the European Union in mind.

### ***Article 6***

#### ***Confidentiality principle***

The deliberations and documents of the Committee and the Panels shall be confidential.

### ***Article 7***

#### ***Secretariat***

The secretariat shall be provided by the division responsible for the certification procedure within the Directorate-General for Budget and Administration.

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