



**DECISION No 185/17 A**  
**adopting general implementing provisions on Article 45a of the Staff Regulations**

**THE APPOINTING AUTHORITY,**

**HAVING REGARD TO** the Staff Regulations of Officials of the European Union (henceforth "the Staff Regulations"), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup> and amended by Regulation (EU, Euratom) No 1023/2013<sup>2</sup> of the European Parliament and of the Council and in particular Articles 43, 45a and 110 thereof,

**HAVING REGARD TO** the Rules of Procedure of the European Economic and Social Committee (hereinafter "the EESC") and in particular Rule 72 thereof,

**HAVING REGARD TO** Decision No 097/16 of 27 April 2016 on the exercise of powers by the Appointing Authority,

**HAVING** held discussions with the trade unions and staff associations,

**HAVING REGARD TO** the opinion of the Staff Committee<sup>3</sup>,

**HAVING REGARD TO** the opinion of the Staff Regulations Committee<sup>4</sup>,

**WHEREAS** the terms of Article 45a of the Staff Regulations set out a certification procedure for the selection of officials function group AST, from grade 5, who qualify for appointment to a post in the AD function group,

**WHEREAS** pursuant to Article 45a(5), the institutions each adopt general implementing provisions for the certification procedure,

**WHEREAS** to this end, general rules for implementing the certification procedure were adopted on 18 July 2005<sup>5</sup>,

**WHEREAS** given the amendments to the Staff Regulations of 1 January 2014 and experience acquired during previous procedures, it is necessary to modify the

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<sup>1</sup> [OJ L 56, 4.3.1968, p. 1.](#)

<sup>2</sup> [OJ L 287, 29.10.2013, p. 15.](#)

<sup>3</sup> Opinion dated 31/07/2017

<sup>4</sup> Opinion dated 28/09/2017

<sup>5</sup> EESC Decision No 458/05 A of 18.07.2005

general implementing provisions in order to improve the procedure for selecting candidates for certification,

**HAS DECIDED:**

### **Article 1**

#### **Subject matter**

- 1.1 The aim of the certification procedure is to select officials in at least grade 5 of the AST function group who qualify for appointment to a post in the AD function group.

### **Article 2**

#### **Frequency of the certification procedures**

- 2.1 Each year the Appointing Authority shall decide whether to organise a certification procedure, taking into account the maximum number of appointments in the AD function group as set out Article 45a(4) of the Staff Regulations. The certification procedure shall be launched by publishing a call for applications.
- 2.2 The Appointing Authority may decide not to organise a certification procedure due to very limited predicted recruitment levels or budgetary constraints. In such cases the Appointing Authority shall consult the Joint Certification Committee referred to in Article 3 and explain its reasons for not organising the procedure.

### **Article 3**

#### **Joint Certification Committee**

- 3.1 The Joint Certification Committee ("the Joint Committee") is established under the terms of the decision on the membership of the Joint Promotions Committee.
- 3.2 This Joint Committee shall be chaired by the chair of the Joint Promotions Committee and shall consist of two members appointed by the Appointing Authority and two members appointed by the Staff Committee. The Appointing Authority and the Staff Committee shall each appoint two alternates.
- 3.3 The chair shall not be permitted to vote.

## **Article 4**

### **Selection panel**

- 4.1 The selection panel ("the panel") shall consist of a chair (a head of unit from the directorate in charge of the procedure) appointed by the Appointing Authority, and two members of the Joint Committee, one chosen from among the members designated by the Appointing Authority and the other from among the members designated by the Staff Committee. Each member shall have an alternate.
- 4.2 The chair shall not be permitted to vote.
- 4.3 The panel shall be renewed every two years.

## **Article 5**

### **Details of the certification procedure**

- 5.1 The certification procedure shall comprise eight stages:
- a) determination of the number of officials who will be authorised to take part in the training programme, and publication of a call for applications;
  - b) establishment by the Appointing Authority of the list of eligible candidates;
  - c) establishment by the Appointing Authority of the list of candidates selected to be heard by the panel;
  - d) establishment by the Appointing Authority of the list of candidates authorised to take part in the training programme, after consultation with the Joint Committee;
  - e) participation in the training programme;
  - f) organisation of written and oral examinations and the establishment by the European Personnel Selection Office ("EPSO") of the list of officials who have passed the examinations, thus demonstrating that they have successfully completed the training programme;
  - g) publication by the Appointing Authority of the list of EESC officials who have passed these examinations;
  - h) appointment to jobs in the AD function group.
- 5.2 Conflict of interests
- a) In accordance with Articles 11 and 11a of the Staff Regulations, all members of the Joint Committee or panel, including the chair, shall carry out their duties and conduct themselves solely in the interests of the European Union and shall not deal with any matter in which, directly or indirectly, they have any personal interest that may impair their independence.
  - b) Any member of the Joint Committee or panel, including the chair, who has a personal interest that may impair his or her independence in the handling of a case shall be replaced

by the appropriate alternate member and refrain from participating in the work of the Joint Committee or panel.

- c) A conflict of interests is defined as any situation in which a member of the Joint Committee or panel, including the chair, who is called upon to decide on an issue, must reasonably consider this issue as being of such a nature that it may be viewed by third parties as a possible source of impairment of his or her independence in that matter.

5.3 Confidentiality principle

The deliberations and documents of the Joint Committee and of the panel shall be confidential.

5.4 Secretariat

The secretariat of the Joint Committee and of the panel shall be provided by the directorate in charge of the procedure.

## **Article 6**

### **Determination of the number of officials who will be authorised to take part in the training programme and publication of a call for applications**

- 6.1 At the beginning of each certification procedure, following consultation with the Joint Committee provided for in Article 3(1), the Appointing Authority shall determine the number of officials who will be authorised to follow the training programme referred to in Article 45a(1) of the Staff Regulations.
- 6.2 Following that decision, the Appointing Authority shall publish a call for applications, specifying the information that must be provided in order to apply for the certification procedure.
- 6.3 The call for applications sets out the eligibility and selection criteria, as well as the selection process for candidates heard by the panel referred to in Article 4 and selected to take part in the training programme referred to in Article 9. The call for applications will be drawn up by the Appointing Authority following consultation with the Joint Committee and may be adjusted at the beginning of each certification procedure.

## Article 7

### Eligibility rules

- 7.1 Subject to the provisions of paragraph 2, applications for certification may be submitted by officials in the AST function group who have been appointed to a permanent post at the EESC in accordance with Article 1a of the Staff Regulations, and who, on 1 September of the year in which the procedure is launched, meet the following three criteria:
- a) they are an official in the AST function group at grade 5 or above;
  - b) they are in active employment, on secondment in the interests of the service, on parental leave or on family leave;
  - c) at least two of their last three reports referred to in Article 43 of the Staff Regulations attest that the official has the potential to carry out an administrator's function.
- 7.2 However, the following officials may not apply:
- a) those who will be retired automatically, pursuant to Article 52 of the Staff Regulations during the year in question or the ensuing year;
  - b) 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;
  - c) those who receive an invalidity allowance under Article 78 of the Staff Regulations;
  - d) those who have already been admitted to the training programme during a previous procedure.
- 7.3 Officials who satisfy the conditions set out in paragraph 1 and do not fall into one of the categories referred to in paragraph 2 are eligible on condition that they have submitted their application and all information requested in the call for applications no later than the closing date set out in the call for applications.
- 7.4 The Appointing Authority shall draw up a draft list of officials eligible for the certification procedure on the basis of the above criteria and shall inform those who are not eligible.
- 7.5 Any unsuccessful candidates who feel that they fulfil the eligibility criteria may appeal to the Appointing Authority within five working days of this notification. This appeal must be duly motivated and accompanied by all the relevant documents and information.
- 7.6 Within five working days of the deadline referred to above, the Appointing Authority shall inform those applicants who have submitted an appeal of its reasoned decision.

## **Article 8**

### **Selection criteria**

- 8.1 The Appointing Authority shall rank eligible candidates according to the number of points they receive, taking into account the following criteria, within the framework of a comparative analysis guided by the needs of the service:
- a) merit, as indicated in the annual appraisal reports referred to in Article 43 of the Staff Regulations;
  - b) their professional experience acquired within the institutions, bearing in mind the needs of the service;
  - c) their level of education and relevant training;
  - d) the demonstrated ability of candidates to carry out an administrator's function.
- 8.2 The names of the highest-ranked applicants will be added to a draft list. This draft list, in order of points, shall contain no more than five times the number of officials who may participate in the certification training. It shall be limited to eight officials. The successful candidates will be heard by the panel referred to in Article 4. Candidates whose names do not appear on the draft list shall be informed by the Appointing Authority.
- 8.3 Within five working days following this notification, any candidate wishing to contest their non-inclusion in the draft list of candidates selected to be heard by the panel may submit an appeal to the Appointing Authority. This appeal must be motivated and accompanied by all the relevant documents and information.
- 8.4 Once the time limit of five working days mentioned above has expired, the Appointing Authority shall forward the appeals to the Joint Committee, which has five working days to deliver an opinion by a majority and communicate it to the Appointing Authority.
- 8.5 The Appointing Authority shall adopt the final list of candidates selected to be heard by the panel.
- 8.6 The Appointing Authority's decision shall be brought to the attention of those candidates who submitted an appeal.

## **Article 9**

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

- 9.1 The Appointing Authority shall transmit to the panel referred to in Article 4 the list of candidates that it has selected to be heard as well as the applications of those candidates.

- 9.2 The panel will hear the candidates in question in order to draw up a preliminary draft list of officials authorised to take part in the training programme. The panel's selection method will be explained in detail in the call for applications referred to in Article 6(3) and will be based on the criteria set out in Article 8(1).
- 9.3 The panel shall then submit to the Appointing Authority a duly motivated report on its work as well as a preliminary draft list of candidates authorised to take part in the training programme.
- 9.4 The Appointing Authority will examine the preliminary draft list and provide any duly motivated modifications in writing. It will then forward the draft list to the Joint Committee in accordance with the first subparagraph of Article 45a(2) of the Staff Regulations.
- 9.5 Within 10 working days, the Joint Committee shall issue a majority opinion as provided for in the second subparagraph of Article 45a(2) of the Staff Regulations. Before issuing its opinion, the Joint Committee may hear the candidates as well as representatives from the Appointing Authority.
- 9.6 The Appointing Authority shall draw up and publish the list of officials authorised to take part in the training programme.
- 9.7 Any candidate heard by the panel but not authorised to attend the training may lodge a complaint under Article 90 of the Staff Regulations.

## **Article 10**

### **Participation in the training programme**

- 10.1 In accordance with Article 2(2) of the Staff Regulations, the EESC delegates responsibility for devising and organising the training programme to the European School of Administration (hereafter "the School"), in accordance with Article 1 of Decision 119/2005/EC<sup>6</sup>.
- 10.2 Any official who is included on the list referred to in Article 9(6) and who is on parental leave under Article 42a of the Staff Regulations, family leave under Article 42b of the Staff Regulations or maternity leave as provided for in Article 58 of the Staff Regulations 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, provided that he or

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<sup>6</sup> Decision No 2005/119/EC 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 of 26 January 2005 on the organisation and running of the European School of Administration, [OJ L 37, 10.2.2005, p. 17](#).

she still meets the conditions referred to in Article 7(1), points (a) and (b), and still does not fall within any of the categories of staff referred to in Article 7(2).

- 10.3 The EESC shall check with the School that the training programme is organised in such a way as to allow the participation of officials authorised to work part-time under Article 55a(2) of the Staff Regulations.

## **Article 11**

### **Organisation of written and oral examinations and establishment of the list of officials who have passed the examinations, thus demonstrating that they have successfully completed the training programme**

- 11.1 EPSO is responsible for organising and determining the content of the written and oral examinations. In accordance with Article 2(2) of the Staff Regulations, the EESC entrusts EPSO with drawing up the list of officials who have passed these examinations.
- 11.2 Only officials whom the School certifies as having taken part in the training programme shall be allowed to sit the examinations.
- 11.3 Officials certified by the School as having followed the training programme but who are not included in the list referred to in paragraph 1 shall be allowed, on up to two occasions in subsequent years, to resit any of the examinations referred to in paragraph 1 that they have failed, provided that they still fulfil the conditions referred to in Article 7(1)(a) and (b) and still do not fall into one of the categories of staff referred to in Article 7(2).

## **Article 12**

### **Publication of the list of EESC officials who have passed the examinations**

- 12.1 The Appointing Authority shall publish the list of EESC officials who have passed the written and oral examinations set by EPSO.
- 12.2 The list referred to in paragraph 1 shall expire 60 months from the first day of the month following its publication. This limitation shall also apply to officials who have previously passed the examinations; for such officials, the period of 60 months shall begin on the first day of the month following the adoption of this decision. Periods of justified absence in excess of three consecutive months shall suspend the period of 60 months for the official concerned. The Appointing Authority may decide, in the interests of the service, to extend the list's period of validity.



## **Article 13**

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

- 13.1 Officials whose names appear on the list referred to in Article 12(1) may apply for vacant posts in the AD function group corresponding to their grade in accordance with the conditions laid down in paragraph 1(a)(ii) and (b) of Article 29 of the Staff Regulations, as long as the list remains valid.
- 13.2 The Appointing Authority shall ensure that the number of appointments to posts in the AD function group of officials who have passed the certification procedure does not exceed 20% of the total annual number of appointments in that function group, in accordance with Article 45a(4) of the Staff Regulations.
- 13.3 The Appointing Authority shall encourage officials whose names appear on the list referred to in Article 12(1) to respond swiftly to vacancy notices in the AD function group which correspond to their qualifications and, in particular, to AD vacancy notices from the directorate or unit that has attested to their potential to perform an administrator's function.
- 13.4 Officials whose names appear on the list referred to in Article 12(1) are invited to contact the EESC's Career Guidance Service to discuss their career development together.

## **Article 14**

### **Final provisions**

- 14.1 This decision repeals and replaces Decision No 458/05 A of 18 July 2005.
- 14.2 It shall enter into force on the date that it is published.

Done at Brussels, 05/10/2017

[signed]  
Luis Planas  
Secretary-General

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