

**DECISION OF THE DIRECTOR OF THE EUROPEAN JOINT UNDERTAKING FOR ITER AND
THE DEVELOPMENT OF FUSION ENERGY
laying down the general provisions for implementing the certification procedure
(Article 45a of the Staff Regulations)**

THE DIRECTOR OF THE EUROPEAN JOINT UNDERTAKING FOR ITER AND THE DEVELOPMENT
OF FUSION ENERGY

Having regard to the Staff Regulations of officials of the European Union (hereinafter the 'Staff Regulations') and the Conditions of Employment of other servants of the European Union (hereinafter the 'CEOS') laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Article 45a of the Staff Regulations,

Having regard to the Council Decision (EURATOM) no 198/2007 of 27 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy (hereinafter "Fusion for Energy") and conferring advantages upon it² (hereinafter "the Constituent instrument"), and in particular Article 10 of the Annex thereof,

Following consultation of the Staff Committee,

Whereas:

- (1) Under Article 45a of the Staff Regulations a certification procedure must be established whereby officials in grade 5 upwards of function group AST can be selected as being suitable for appointment to a job in function group AD.
- (2) Under Article 45a(5) each institution is to adopt general provisions for implementing the certification procedure.
- (3) Given the need to launch and organise a certification exercise in 2014, it is necessary to decide upon transitory measures which follow the draft rules sent for approval to the European Commission under Article 110 of the Staff Regulations, until the relevant implementing rules are in force,

HAS DECIDED AS FOLLOWS:

Article 1: Purpose

The purpose of the certification procedure is to select officials in grade 5 upwards of function group AST as being suitable for appointment to a job in function group AD.

¹ OJ L 56, 4.3.1968.

² OJ L 90, 30.3.2007, p.58.

Article 2: Frequency and stages of the certification procedure

1. Every year, the Appointing Authority shall verify the number of officials who are able to satisfy the criteria listed in Article 4(1). On that basis, the Appointing Authority shall decide, after consultation of the Staff Committee, whether to organise the certification procedure for the year in question.
2. The certification procedure shall comprise six stages:
 - (a) determination of the number of officials who will be authorized to take part in the training programme and publication of a call for applications;
 - (b) establishment by the Appointing Authority of the list of officials authorised to take part in the training programme;
 - (c) participation in the training programme;
 - (d) organization of written and oral tests and establishment by the Appointing Authority of the list of officials who have passed the tests demonstrating that they have successfully completed the training programme;
 - (e) publication by the Appointing Authority of the list of officials who have passed the tests;
 - (f) appointment to jobs in function group AD.

Article 3: Number of officials who will be authorised to take part in the training programme and publication of a call for applications

1. Every year, in consultation with the Joint Certification Committee provided for in Article 10, the Appointing Authority shall determine the number of officials to be authorised to take part in the training programme referred to in Article 45a(1) of the Staff Regulations. Following that decision, the Appointing Authority shall publish a call for applications.
2. Officials in grades 5 upwards of function group AST who have been appointed to a permanent post in Fusion for Energy in accordance with Article 1a of the Staff Regulations and who, on the date of publication of the call for applications, are seconded in the interests of the service or whose administrative status as referred to in Article 35 of the Staff Regulations is one of the following: active employment, parental leave or family leave, may apply for certification.

However, the following officials may not apply:

- (a) those who, during the year of the call for application in question or the following year, are to be automatically retired under Article 52 of the Staff Regulations;
- (b) those in respect of whom Fusion for Energy has adopted a decision resulting in the definitive termination of their service within the meaning of Article 47 of the Staff Regulations;
- (c) those to whom Fusion for Energy has granted an invalidity allowance under Article 78 of the Staff Regulations.

Article 4: Establishment of the list of officials selected to follow the training programme

1. The officials referred to in Article 3 who apply for the certification procedure shall be pre-selected provided they meet, considering the needs of the services, both of the following conditions:
 - (a) The official concerned must have seniority in grade 5 or above – excluding the ex-C/C* or ex-D/D* career paths - of at least three years;

(b) One of their five most recent annual career development reports established under Article 43 of the Staff Regulations must state that the official has the potential required to take on the functions of an administrator.

2. For each certification exercise, the Appointing Authority shall draw up a draft list of officials who have been admitted to the certification procedure on the basis of the two above-mentioned criteria.

3. The Appointing Authority shall then rank the admitted applicants on the basis of the following criteria:

- merit as indicated in their annual appraisal reports;
- their level of education as demonstrated by officially recognised qualifications/diplomas;
- their recent professional experience acquired in the institutions in those fields where Fusion for Energy has identified particular needs.

The Appointing Authority shall establish two lists on the basis of the above-mentioned criteria: one list shall combine merit and level of education; a second list shall combine merit and recent professional experience. The highest-ranked applicants on the two lists, down to a ranking decided according to the number of officials authorized to take part in the training programme and referred to in Article 3(1), shall be pre-selected. These officials are referred to as the pre-selected applicants.

The definition of the number of candidates to pre-select on each list and the detailed rules for applying the ranking criteria and for pre-selecting the candidates shall be decided by the Appointing Authority after consulting the committee provided for in Article 10. They may be adjusted each year by decision of the Appointing Authority.

4. The Appointing Authority shall publish the draft list of admitted applicants referred to in paragraph 2 and the draft list with the names of applicants pre-selected on the basis of the two rankings determined in accordance with paragraph 3.

All admitted applicants shall be notified of the number of points obtained and of their position in the two rankings established by the Appointing Authority on the basis of the criteria referred to in paragraph 3.

5. Officials who have applied and believe that they meet the criteria set out in paragraph 1 but who are not included on the list referred to in paragraph 2 and officials who contest the number of points obtained on the basis of the criteria referred to in paragraph 3 may appeal to the committee provided for in Article 10 within ten working days of the publication of the list.

They must state the reasons for their appeal and supply the committee with all the relevant supporting documents and information.

The committee shall deliver an opinion and notify the Appointing Authority thereof. On the basis of this opinion, the Appointing Authority shall decide on the action to be taken.

6. The Appointing Authority shall adopt and publish the final lists of admitted and pre-selected applicants.

Article 5: Establishment of the list of officials authorised to take part in the training programme

1. The Appointing Authority shall identify those amongst the pre-selected applicants who will be allowed to follow the training programme, adhering to the number determined in accordance with Article 3. The points and ranking obtained during the pre-selection phase shall no longer be taken into account.

2. Each Head of Unit shall provide an opinion on each of the pre-selected officials and communicate it to the Head of Human Resources unit.

This opinion shall be motivated and shall take the form of points allocated to the pre-selected applicants, taking into account the needs of the service and in particular:

– the responsibilities and duties currently performed by the pre-selected applicants as mentioned in their job description or other relevant documents, and how these responsibilities and duties are carried out by the applicants;

– their versatility on the basis of the various functions performed and responsibilities held within the European Institutions;

– the relevant training courses followed and recorded by Fusion for Energy; the ability to work in Community languages as required by the service; the ability to follow a training programme in French or English (given that the candidates may not follow the training referred to in Article 6 in their principal language).

The Unit responsible shall be that to which the pre-selected applicant is assigned on the date of signature of his/her application for the certification procedure.

The common evaluation grids and guidelines for allocating the points and establishing the ranking, established by the Appointing Authority after consulting the committee provided for in Article 10, shall be communicated to the Heads of Unit. They may be adjusted each year.

3. The threshold is the minimum number of points required in order to be allowed to take part in the training programme. The threshold is equal to the number of points obtained by the official ranked at a place corresponding to the number determined in accordance with Article 3.

The points allocated by the Heads of Unit shall be submitted to the Head of Human Resources unit, who shall publish the list of the applicants having reached or passed the threshold.

All pre-selected applicants shall be notified of the number of points obtained and of their ranking.

4. Pre-selected applicants who contest the number of points obtained on the basis of the criteria referred to in paragraph 2 may appeal to the committee provided for in Article 10 within ten working days of publication of the list.

They must state the reasons for their appeal and supply the committee referred to in Article 10 with all the relevant supporting documents and information.

5. The committee shall deliver an opinion and notify the Appointing Authority thereof. The committee shall, where necessary, propose modifying the ranking and the number of points granted even to pre-selected applicants who did not lodge an appeal.

6. Where the number of officials having reached or passed the threshold exceeds the number determined in accordance with Article 4, the committee provided for in Article 10 shall adopt a substantiated proposal aimed at deciding between officials whose number of points coincides exactly with the threshold (the ex-aequo group). To that end, the committee provided for in Article 10 shall take account of subsidiary factors such as the length in service as official or temporary member of staff in grade 5 or above — excluding the ex-C/C* or ex-D/D* career paths — and, where the length of service is the same, the principle of equal opportunities.

7. On the basis of the proposal of the committee provided for in Article 10, the Appointing Authority shall adopt the list of officials authorised to take part in the training programme. This list shall be published by the Administration Department.

Article 6: Participation in the training programme

1. Pursuant to Article 2(2) of the Staff Regulations, Fusion for Energy shall delegate authority for drawing up and organising the training programme to the European School of Administration (hereafter 'the School'), in accordance with the Decision 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 on the organisation and running of the European School of Administration³.

Fusion for Energy shall conclude a service level agreement with the School setting the specific arrangements required for the certification training programme in order to enable its staff to participate.

2. Any official who is included on the list referred to in Article 5(7) and who is on parental leave under Article 42a, family leave under Article 42b or maternity leave under 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.

3. Fusion for Energy shall ascertain from the School that the way in which the training programme is organised enables officials assigned to places of work other than Brussels and Luxembourg and officials authorised to work part time under Article 55a(2) of the Staff Regulations to participate.

³ OJ L 37, 10.2.2005, p. 17. Decision No 2005/119/EC of 26 January 2005.

Article 7: Organisation of written and oral tests and establishment of the list of officials who have passed the tests demonstrating that they have successfully completed the training programme

1. The content of the written and oral tests shall be determined by the European Personnel Selection Office, hereinafter 'EPSO' and the School. Pursuant to Article 2(2) of the Staff Regulations, the Appointing Authority shall delegate the organisation of written and oral tests and the establishment of the list of officials who have passed the tests to EPSO and to the School.
2. Only officials whom the School certifies as having followed the programme shall be authorised to sit the tests.
3. Officials certified by the School as having followed the training programme but not included on the list referred to in paragraph 1 shall be allowed to re-sit twice the tests referred to in paragraph 1 that they have failed, provided they still fulfill the conditions referred to in Article 3(2).

Article 8: Publication of the list of officials who have passed the tests demonstrating that they have successfully completed the training programme

The Appointing Authority shall publish the list established by EPSO of officials who have passed the written and oral tests.

Article 9: Appointment to a job in function group AD

1. Officials included in the list referred to in Article 8 may apply, with no time limit, for vacant posts in the function group AD corresponding to their grade in accordance with the conditions laid down in Article 29(1)(a)(ii) and (b) of the Staff Regulations.
2. Fusion for Energy Appointing Authority shall make every effort to ensure that the number of officials who have successfully completed the certification procedure and been appointed to jobs in function group AD is no more than 20% of the total number of appointments in that function group. It shall check this every five years.

Article 10: Joint Certification Committee

1. A Joint Certification Committee shall be established.
2. Its membership shall be as follows:
 - a chairperson and one member, as well as a representative of the Human Resources unit, all belonging to the administrator's function group and appointed by the Appointing Authority;
 - two members belonging to the administrator's function group designated by the Staff Committee.

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

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 cease participation in the work of the committee.

3. The committee shall meet at the invitation of its chairperson or at the request of the Staff Committee. Its decisions shall be valid provided that the four members entitled to vote are present (or their alternates), two of whom have been appointed respectively by the Appointing Authority and by the staff committee. Opinions shall be adopted by simple majority of the members present entitled to vote. The chairperson shall vote only if votes are equally split.
4. At its first meeting the committee shall adopt its rules of procedure by the majority of its members; the chairperson shall be entitled to vote.
5. At the end of each certification exercise, the committee shall adopt an opinion on the results. The opinion may be accompanied by recommendations. The committee shall notify the Appointing Authority of its opinion.

Article 11: Final provisions

This Decision shall enter into force on the day of its signature and shall concern the 2014 exercise only.

Done in Barcelona,

17 JAN 2014



Henrik Bindslev
Director