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## Decision of the Court of Auditors 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)

#### THE COURT OF AUDITORS OF THE EUROPEAN COMMUNITIES,

HAVING REGARD TO the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the Communities, as laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>, 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:

- (1) The Staff Regulations, as amended on 1 May 2004, make provision for two function groups: assistants (hereinafter referred to as "the AST function group") and administrators (hereinafter referred to as "the AD function group").
- (2) 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.
- (3) According to Article 45a(5), each institution shall adopt general rules for implementing the certification procedure.

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<sup>1</sup> OJ L 56, 4.3.1968. Regulation last amended by Regulation (EC, Euratom) No 723/2004 (OJ L 124, 27.4.2004, p. 1).



HAS ADOPTED THESE PROVISIONS:

*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.

*Article 2: Frequency of and stages in the certification procedure*

1. The certification procedure shall be organised each year from 2005 onwards.
2. It comprises six stages:
  - (a) establishment of the number of officials authorised to take part in the training programme and publication of a call for applications;
  - (b) assessment of the eligibility of the applications;
  - (c) drawing up by the Appointing Authority of the list of officials authorised to take part in the training programme;
  - (d) participation in the training programme;
  - (e) organisation of written and oral tests and the drawing up of the list of officials who have passed the tests which certify that they have successfully completed the training programme;
  - (f) publication by the Appointing Authority of the list of officials who have passed the tests.

*Article 3: Establishment of the number of officials authorised to take part in the training programme and publication of an invitation to apply*

1. Each year, after consulting the Joint Committee<sup>2</sup> to which Article 9 (1)(a), second indent, of the Staff Regulations refers, the Appointing Authority shall establish the number of officials authorised to take part in the training programme mentioned in Article 45a(1) of the Staff Regulations. In so doing, he shall take account of the limit stipulated in Article 45a(4), i.e. that the number of such appointments shall not exceed 20% of the total number of appointments made each year in the AD function group in accordance with the second indent of Article 30 of the Staff Regulations.
2. Following this decision, the Appointing Authority shall publish a call for applications.
3. Applications for certification may be submitted by officials from the AST function group, from grade 5 upwards, who have been appointed to a permanent post at the Court in accordance with Article 1a of the Staff Regulations and who, on the date the call for applications is published:

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<sup>2</sup> Decision of 1 February 1979 creating the Joint Committee of the Court of Auditors.

- are in one of the following positions mentioned in Article 35 of the Staff Regulations: active employment, parental leave or family leave; or
- have been seconded in the interest of the service.

However, applications may not be submitted by officials:

- who will be retired automatically in accordance with Article 52 of the Staff Regulations;
- 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 or the following year.

*Article 4: Eligibility of applications*

1. Applications by the officials mentioned in Article 3(3) shall be deemed eligible if the officials concerned meet both of the following criteria:
  - the periodic assessment reports mentioned in Article 43 of the Staff Regulations for the previous three years should certify that the official has the potential to carry out an administrator's duties;
  - the official concerned must have at least five years' seniority in the AST function group and hold a post at grade 5 or above. The minimum seniority required by this indent must have been acquired by 31 December in the year the certification procedure commenced. Account shall be taken of seniority acquired as a temporary member of staff in grades 5 or above provided that there has been no break between the periods of active service as a temporary member of staff and as an official.
2. The Appointing Authority shall draw up and publish a list of the officials whose applications have been deemed eligible on the basis of both of the aforementioned criteria.

*Article 5: Drawing up of the list of officials selected to take part in the training programme*

1. The Appointing Authority shall draw up a list in order of priority of the officials whose applications have been considered eligible on the basis of the following criteria: the periodic assessment reports mentioned in Article 43 of the Staff Regulations, the officials' level of education and training, the requirements of the service and professional experience acquired in the institutions.  
The precise content, value and weighting of the aforementioned criteria shall be decided upon by the Appointing Authority before the call for applications mentioned in Article 3(2) is published and after the opinion of the Joint Committee mentioned in Article 3(1) has been given. Staff shall be notified of the Appointing Authority's decision.

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. This draft list shall be published by the Appointing Authority.
3. Within 15 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 Joint Committee for the certification procedure (hereinafter referred to as "the Committee") provided for in Article 11. This appeal must include all relevant supporting documents and information.
4. The Committee shall examine the draft list mentioned in paragraph 2 and any appeals lodged by the officials and shall issue a reasoned opinion within 20 working days of the draft list being published. It may interview the officials who have applied to take part in the programme, as well as representatives of the Appointing Authority.
5. On the basis of the Committee's opinion, 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 (hereinafter referred to as "the School") responsibility for devising and organising the training programme, pursuant to 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 Administrative School<sup>3</sup>.

The School shall devise the training programme in consultation with the institutions concerned.

2. An official included in the list mentioned in Article 5(5) who has been granted parental leave under Article 42a of the Staff Regulations, family leave under Article 42c of the Staff Regulations or maternity leave under Article 58 of the Staff Regulations before or during the training programme, may, if he/she so wishes, be authorised to complete the training the following year without having to submit a new application.
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).

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

*Article 7: Written and oral tests*

1. The content of the written and oral tests shall be established by the European Personnel Selection Office (hereafter referred to as "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 subsequent years.

*Article 8: List of officials who have passed the tests  
which certify 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: Follow-up of the procedure*

At the start of each year, the Joint Committee mentioned in Article 3(1) shall adopt an opinion on the results of the certification procedure organised during the previous year. It may include recommendations in its opinion. This opinion shall be sent to the Appointing Authority.

*Article 11: Joint Committee for the certification procedure*

A Joint Committee for the certification procedure is hereby created. The composition and *modus operandi* of this Committee will be decided upon by the Appointing Authority after the Staff Committee has been consulted.

*Article 12: Transitional arrangements*

1. Until 30 April 2006, any reference in this decision to the AST function group or to the AD function group shall be understood as referring to category B\* or A\*. The reference to grade AST 5 shall be understood as referring to grade B\*5.
2. As regards the criterion laid down in Article 4(1), first indent, only available periodic assessment reports which were drafted after 1 May 2004 will be taken into consideration. The certification procedures organised in 2005 and 2006 shall be exempt from Article 4(1)(a) as follows:

for the 2005 procedure, the assessors will be asked to certify that the candidates have shown by their performance that they do have the potential to carry out an administrator's duties, and to specify the period during which this potential was demonstrated;

for the 2006 procedure, account will be taken of the assessors' certification and of the staff report covering the 2004 and 2005 combined reporting years;

for the 2007 certification procedure, account will be taken of the assessors' certification and of the staff reports covering the 2004/2005 and 2006 reporting years (see amendments to Article 4(1)).

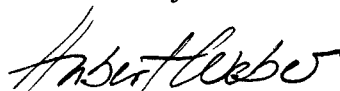
3. After the Staff Committee has been consulted and the Staff Regulations Committee has given its opinion, the Court shall re-examine and, where appropriate, adjust the criteria set out in Article 4 by the end of 2010 at the latest, in the light of the results noted in respect of the certification procedure.

*Article 13: Final arrangements*

This Decision shall come into effect the day after it is adopted.

Done at Luxembourg, 26 SEPTEMBER 2005

*For the Court of Auditors*



Hubert Weber  
President