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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 22.06.2005
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COMMISSION DECISION

of 22.06.2005

laying down the general provisions for implementing Article 45a of the Staff Regulations

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THE COMMISSION 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 European Communities laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Article 45a of the Staff Regulations,

After consulting the Staff Committee,

Having regard to the opinion of the Staff Regulations Committee,

Whereas:

- (1) The Staff Regulations, as amended on 1 May 2004, provide for two function groups: the assistants' function group (hereafter function group AST) and the administrators' function group (hereafter function group AD).
- (2) 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.
- (3) Under Article 45a(5) each institution is to adopt general provisions for implementing the certification procedure,

HAS DECIDED AS FOLLOWS:

Article 1: Purpose

1. 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.

Article 2: Frequency and stages of the certification procedure

1. The certification procedure shall be organised annually from 2005.
2. It shall comprise five stages: (a) publication of a call for applications and determination of the number of officials authorised to follow the training programme; (b)

¹ OJ L 56, 4.3.1968. Regulation as last amended by Regulation (EC, Euratom) No 31/2005 (OJ L 8, 12.1.2005, p. 1).

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) organisation of written and oral tests and establishment by the appointing authority of the list of applicants who have passed the tests demonstrating that they have successfully completed the training programme; (e) publication by the appointing authority of the list of Commission officials who have passed the tests.

Article 3: Call for applications

1. Each year, in consultation with the joint committee provided for in Article 9, 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 the Commission 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 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 Commission 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 the Commission has granted an invalidity allowance under Article 78 of the Staff Regulations.

Article 4: Establishment of the list of officials² selected to follow the training programme

1. The establishment of the list of officials selected to follow the training programme involves two stages: a pre-selection stage and a classification stage.
2. The officials referred to in Article 3(2) shall be pre-selected provided they meet both of the following conditions:
 - (a) Three of their five most recent annual career development reports as referred to in Article 1 of the general provisions for implementing Article 43 of the Staff Regulations must state that they have the potential required to take on the functions of an administrator.

² Including those paid from research appropriations in the general budget.

- (b) The official concerned must have seniority in grade 5 or above of at least three years if he holds a university diploma within the meaning of Article 5(3)(b)(i) of the Staff Regulations or at least six years if he does not hold such a diploma. The minimum seniority stipulated above must have been acquired by 31 December of the year in which the certification procedure is launched. Account shall be taken of the seniority acquired as a temporary official in grade 5 or above provided that there was no break between periods of service as a temporary official and as a permanent official.

The appointing authority shall publish a draft list of officials who have been pre-selected on the basis of the two above-mentioned criteria.

If they dispute the draft list referred to in paragraph 2, officials whose names are not included in it shall have ten working days in which to lodge an appeal, stating their reasons, to the committee provided for in Article 9. Appeals must be accompanied by all the relevant supporting documents and information.

The committee shall consider appeals and issue a reasoned opinion on the draft list proposed by the appointing authority within 20 working days following publication of the draft list. The committee may hear officials who have lodged an appeal and representatives of the appointing authority.

The appointing authority shall adopt and publish the list of pre-selected officials, taking account of the committee's opinion.

- 3. Following the pre-selection phase, the appointing authority shall classify the pre-selected officials in order of priority based on the following criteria:
 - (a) their professional experience acquired in the institutions and their level of professional training in the fields in which the Commission has identified particular needs;
 - (b) the merit marks in their most recent annual career development reports.

The precise content, value and weighting of the above criteria shall be decided by the appointing authority before the call for applications referred to in Article 3 is published and after the committee referred to in Article 9 has issued its opinion. The staff shall be informed of them.

- 4. The appointing authority shall draw up a draft list of the officials authorised to take part in the training programme. The draft list shall contain, in order of priority as referred to in paragraph 3, the appropriate number of officials, starting with the most suitable, authorised to take part in the training programme referred to in Article 3(1). The draft shall be published by the appointing authority.

If they dispute the draft list referred to in paragraph 3, officials on the list referred to in the final subparagraph of paragraph 2 but whose names are not included in above-mentioned draft list of officials authorised to take part in the training programme shall have ten working days in which to lodge an appeal, stating their reasons, to the committee provided for in Article 9. Appeals must be accompanied by all the relevant supporting documents and information.

The committee shall consider appeals and issue a reasoned opinion on the draft list proposed by the appointing authority within 20 working days following publication of the list. The committee may hear officials who have lodged an appeal and representatives of the appointing authority.

The appointing authority shall publish the list of officials authorised to take part in the training programme, taking account of the committee's opinion.

Article 5: Participation in the training programme

Pursuant to Article 2(2) of the Staff Regulations, the Commission shall delegate authority for drawing up and organising the training programme to the European Administrative School (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 Administrative School³.

An official who is included on the list referred to in the last subparagraph of Article 4(4) and who qualifies for 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.

The Commission shall ascertain from the School that the way in which the training programme is organised enables officials in post at places of employment other than Brussels or Luxembourg, and officials authorised to work part time under Article 55a(2) of the Staff Regulations to participate.

Article 6: 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'. Pursuant to Article 2(2) of the Staff Regulations, the Commission 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 in the list referred to in paragraph 1, shall be allowed to resit the tests referred to in Article 7 in later years.

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

Article 7: 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 in question.

Article 8: Applications for vacant posts in the function group AD

1. Officials included in the list referred to in Article 6(1) may apply for vacant posts in the function group AD corresponding to their grade in accordance with the conditions laid down in Article 29(a)(ii) and (b) of the Staff Regulations.
2. The Director-General for Personnel and Administration shall make every effort to ensure that the number of officials having successfully completed the certification procedure appointed to jobs in function group AD is no more than 20% of the total number of appointments⁴ in that function group. It shall check this every five years, starting from 2006.

Article 9: Joint certification committee

1. A joint certification committee shall be established.
2. The committee shall comprise the following: a chairperson and alternate who both perform the function of director, appointed by the Director-General for Personnel and Administration; five members and five alternate members belonging to the function group AD, appointed by the Director-General for Personnel and Administration, at least one of whom shall be an official paid from appropriations entered in the research budget, and five members and five alternate members belonging to the function group AD, appointed by the Central Staff Committee.
3. In the absence of the chairperson, the 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.

In addition, when the number of full members present appointed by the Director-General for Personnel and Administration and by the Staff Committee respectively is fewer than five, the alternate member shall be entitled to vote provided the total number of members (full and alternate) entitled to vote does not exceed five appointed by the appointing authority and five appointed by the Staff Committee.

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.

4. The committee shall be convened by its chairperson. Its decisions shall be valid provided that ten members entitled to vote are present, five of whom have been

⁴ For officials paid from research appropriations in the general budget, appointments will be taken into account in the relevant establishment plan.

appointed by the Staff Committee. Opinions shall be adopted by simple majority of the members entitled to vote who are present. The chairperson shall vote only in the case of a tied vote.

5. At its first meeting the committee shall adopt its rules of procedure by a majority of two thirds of its members; the chairperson shall be entitled to vote.
6. At the beginning of each year the committee shall adopt an opinion on the results of the previous year's certification exercise. The opinion may be accompanied by recommendations. The committee shall notify the appointing authority of its opinion.

Article 10: Transitional provisions

1. Until 30 April 2006 any reference in this Decision to the function group AST or the function group AD shall be construed as a reference to category B* or A* respectively. References to the grade AST 5 shall be construed as references to grade B*5.
2. Notwithstanding Article 4(2)(a), for the purposes of the certification procedure held in 2005, only the career development report relating to 2004 shall be taken into consideration and, for the purposes of the certification procedure held in 2006, only the career development reports relating to 2004 and 2005 shall be taken into consideration.
3. In the light of the results of the certification procedure the Commission shall review and, where necessary, after consulting the Staff Committee and the Staff Regulations Committee, adjust the criteria laid down in Article 4(2) not later than the end of 2010.

Article 11: Final provisions

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

Done at Brussels, 22.06.2005

For the Commission
S. KALLAS
Vice-President of the Commission

COMMUNICATION FROM THE COMMISSION