

COUNCIL DECISION
of 20 September 2005
concerning the general implementing provisions for Article 45a of the Staff Regulations

THE COUNCIL,

Having regard to the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of the European Communities, as laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, 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 amended Staff Regulations in force since 1 May 2004 provide for two function groups, one comprising assistants (hereinafter referred to as function group AST) and the other comprising administrators (hereinafter referred to as function group AD).
- (2) The terms of Article 45a of the Staff Regulations call for the introduction of a certification procedure for the selection of officials in function group AST, from grade 5, who qualify for appointment to a post in function group AD.
- (3) Pursuant to Article 45a(5), the institutions each adopt general implementing provisions for the certification procedure,

HAS DECIDED AS FOLLOWS:

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

Article 1: *Aim*

The aim of the certification procedure is to select those officials in function group AST, grade 5 and above, who qualify for appointment to a post in function group AD.

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

1. From 2005 onwards, the certification procedure shall be held yearly.
2. It shall comprise six stages:
 - a) determining the number of officials authorised to follow the training programme and publishing a call for applications;
 - b) assessing the admissibility of the applications;
 - c) drawing up by the Appointing Authority of the list of officials selected to take part in the training programme;
 - d) taking part in the training programme;
 - e) organising written and oral examinations and drawing up the list of officials who have passed the examinations, thereby demonstrating that they have successfully taken part in the training programme;
 - f) publication by the Appointing Authority of the list of officials having passed the examinations.

Article 3: *Determining the number of officials authorised to follow the training programme and call for applications*

1. Each year, having consulted the joint committee referred to in Article 9(1)(a), second indent, of the Staff Regulations, the Appointing Authority shall determine the number of officials authorised to follow the training programme referred to in Article 45a(1) of the Staff Regulations. In doing so it shall take account of the restriction laid down in Article 45a(4), namely that the number of appointments must not exceed 20% of the total number of appointments made to this function group per year in accordance with Article 30, second paragraph, of the Staff Regulations.
2. Having taken this Decision, the Appointing Authority shall publish a call for applications.
3. Applications for certification may be submitted by officials in function group AST, grade 5 and above, who have been appointed to an established post at the General Secretariat of the Council in accordance with Article 1a of the Staff Regulations and who, on the date of publication of the call for applications:
 - have been assigned one of the following administrative statuses, as referred to in Article 35 of the Staff Regulations: active employment, parental leave or family leave; or
 - have been seconded in the interests of the service.However, applications may not be submitted by officials:
 - who are to be retired automatically during the current or following year, pursuant to Article 52 of the Staff Regulations;
 - 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;
 - to whom the Appointing Authority has granted an invalidity allowance, pursuant to Article 78 of the Staff Regulations.

Article 4: *Admissibility of applications*

1. Applications from officials referred to in Article 3(3) shall be deemed admissible if the officials concerned meet each of the following two requirements:
 - the staff reports for the previous three years must demonstrate that, on the basis of performance, the official concerned possesses the potential required to carry out the duties of an administrator in the grade corresponding to his or her grade in the AST function group;
 - the official concerned must have at least five years' seniority in the AST function group and be ranked at grade 5 or above. The minimum seniority required in accordance with this subparagraph must have been acquired by 31 December of the year in which the certification procedure is initiated. Seniority acquired as a temporary staff member at grade 5 or above shall be taken into account, provided that there has been no interruption between the periods worked as a temporary staff member and as an official.
2. The Appointing Authority shall draw up and publish the list of officials whose applications have been deemed admissible on the basis of the two aforementioned criteria.

Article 5: *Drawing up the list of officials selected to follow the training programme*

1. The Appointing Authority shall establish a ranking of those officials whose applications have been deemed admissible, on the basis of a list of priorities drawn up using the following criteria: the staff reports referred to in Article 43 of the Staff Regulations, education and training and professional experience acquired within the institutions.

Prior to publication of the call for applications referred to in Article 3, and having obtained the opinion of the joint committee referred to in Article 9(1)(a), second indent, of the Staff Regulations, the Appointing Authority shall determine the exact form, value and weighting of the aforementioned criteria, which shall then be brought to the attention of the staff.

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 contain the officials at the top of the ranking referred to in paragraph 1; the number of officials on the list shall match the number admitted to the training programme in accordance with Article 3(1).

This draft list shall be published.

3. Within ten working days of publication those officials who submitted applications in accordance with Article 3(3) and are contesting the draft list referred to in the previous paragraph may submit an appeal setting out their reasons for doing so to the Joint Certification Committee provided for in Article 10(2) (hereinafter referred to as the Committee). All relevant supporting documents and information must be submitted together with the appeal.
4. The Committee shall examine the draft list referred to in paragraph 2 and the appeals submitted by the officials, and shall issue a reasoned opinion within 20 working days of the expiry of the deadline referred to in the previous paragraph. It may interview the officials

who have submitted an appeal and representatives from the Appointing Authority. The Appointing Authority shall take account of the Committee's opinion in drawing up and publishing the list of officials authorised to take part in the training programme.

Article 6: Taking part in the training programme

1. Pursuant to Article 2(2) of the Staff Regulations, the Council shall entrust the task of devising and organising the training programme to the European Administrative School (hereinafter referred to as the School), in accordance with the decision 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 on the organisation and running of the School¹.
2. If they so wish, those officials placed on the list referred to in Article 5(5) who take parental leave as provided for in Article 42a of the Staff Regulations, family leave as provided for in Article 42b of the Staff Regulations or maternity leave as provided for in Article 58 of the Staff Regulations prior to or during the period in which the training programme takes place, may be authorised to follow the training the following year without the need to submit a fresh application.
3. The Council shall ensure that the School organises the training programme so as to allow the participation of officials, irrespective of their place of employment and of officials authorised to work part time in accordance with Article 55a(2) of the Staff Regulations.

Article 7: Written and oral examinations

1. The European Personnel Selection Office (hereinafter referred to as EPSO) shall determine the content of the written and oral examinations. Pursuant to Article 2(2) of the Staff Regulations, the Council shall entrust the task of organising the written and oral examinations and drawing up the list of officials who have passed those examinations to EPSO and to the School.
2. Only those officials declared by the School as having taken part in the training programme shall be allowed to sit the examinations.
3. Those officials declared by the School as having taken part in the training programme but not placed on the list referred to in paragraph 1 shall be allowed to sit the examinations no more than twice in subsequent years.

Article 8: Drawing up the list of officials who have passed the examinations, thereby demonstrating that they have successfully taken part in the training programme

The Appointing Authority shall publish the list, as drawn up by EPSO, of the Council officials who have passed the oral and written examinations.

¹ Decision 2005/119/EC of 26 January 2005, OJ L 37, 10.2.2005, p. 17.

Article 9: Applications for vacancies in function group AD

1. Officials whose names appear on the list referred to in Article 7(1) may apply for vacant posts in function group AD that correspond to their grades subject to the conditions laid down in Article 29(1)(a)(ii) and (b) of the Staff Regulations.
2. The Appointing Authority shall see to it that, in accordance with Article 45a of the Staff Regulations, the number of appointments of officials who have passed the certification procedure to posts in function group AD shall not exceed 20% of the total number of appointments made to that function group per year.

Article 10: Monitoring the procedure

1. At the beginning of each year the joint committee referred to in Article 9(1)(a), second indent, of the Staff Regulations shall adopt an opinion on the outcome of the certification procedure organised during the previous year. It may attach recommendations to this opinion, which shall be forwarded to the Appointing Authority.
2. A Joint Certification Committee shall be established after consultations between the Appointing Authority and the trade unions and staff associations.

Article 11: Transitional provisions

1. Until 30 April 2006 any reference in this Decision to function group AST or to function group AD should be understood as a reference to category B* and category A* respectively. The reference to grade AST 5 should be understood as a reference to grade B*5.
2. In 2005 the period available to the Appointing Authority to determine, in accordance with Article 3(1), the number of officials authorised to follow the training programme shall be three months from the date on which this Decision enters into force.
3. For the purposes of applying the criterion provided for in Article 4(1), first indent, only available staff reports drawn up after 1 May 2004 shall be taken into consideration.
4. Having consulted the Staff Committee and having obtained the opinion of the Staff Regulations Committee, the Council shall re-examine and, where necessary, adjust the criteria set out in Article 4, by the end of 2010 at the latest, in the light of the outcome of the certification procedure.

Article 12: Final provisions

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

Done at Brussels,

For the Council
[...]