

**GENERAL IMPLEMENTING PROVISIONS
RELATING TO THE CERTIFICATION PROCEDURE
(ARTICLE 45a OF THE STAFF REGULATIONS)**

BUREAU DECISION

OF 26 SEPTEMBER 2005¹

The Bureau,

- Having regard to the Staff Regulations of officials of the European Communities (hereinafter referred to as the Staff Regulations) and the Conditions of Employment of Other Servants of the European Communities laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68², as last amended by Council Regulation (EC, Euratom) No 723/2004³, and, in particular, to Article 45a of the Staff Regulations,
- Having regard to Article 110 of the Staff Regulations,
- Having regard to the opinions of the Joint Committee dated 16 April 2008 and of the Staff Regulations Committee dated 16 May 2008,
- Having consulted the Staff Committee and the Committee on Equal Opportunities,
- Whereas the Staff Regulations, as amended on 1 May 2004, provide for the existence of two function groups: Assistant (hereinafter referred to as function group AST) and Administrator (hereinafter referred to as function group AD),
- Whereas, pursuant to Article 45a of the Staff Regulations, a procedure known as the certification procedure must be established in order to facilitate the selection of officials from function group AST, from grade 5 and above, who are suitable for appointment to a post in function group AD,
- Whereas, pursuant to Article 45a(5) of the Staff Regulations, each institution must adopt general implementing provisions relating to the certification procedure,
- Whereas the general implementing provisions adopted by the Bureau on 26 September 2005 may, in the light of the experience gained during the first certification procedures, be the subject of an administrative simplification measure concerning the stages in the selection procedure,

HAS DECIDED

Article 1 - Purpose

The purpose of the certification procedure shall be to facilitate the selection of officials in function group AST, from grade 5 and above, who are suitable for appointment to a post in function group AD.

¹ Amended by the Bureau decision of 7 July 2008.

² OJ L 56, 4.3.1968.

³ OJ L 124, 27.4.2004.

Article 2 - Frequency of and stages in the procedure

1. The certification procedure shall be carried out on an annual basis.
2. It shall consist of five stages:
 - (a) determination of the number of officials to be authorised to take part in the training programme and the criteria to be used in classifying applications and publication of a call for applications;
 - (b) consideration of the admissibility of applications and establishment of the list of officials selected to take part in the training programme;
 - (c) participation in the training programme organised by the European Administrative School (hereinafter referred to as the EAS);
 - (d) organisation of written and oral tests and the establishment by the European Personnel Selection Office (hereinafter referred to as EPSO) of the list of officials who have passed those tests;
 - (e) publication of the list of officials who have passed the tests demonstrating that they have successfully taken part in the training programme.

Article 3 - Call for applications

1. Every year, after consultation of the Joint Committee referred to in Article 9 (hereinafter referred to as the COPAC) the Appointing Authority (hereinafter referred to as the AA) shall determine:
 - (a) the number of officials to be authorised to take part in the training programme referred to in Article 45a(1) of the Staff Regulations;
 - (b) the precise nature, value and weighting of the criteria, as referred to in Article 4(2), to be used to classify the admissible applications in order of priority.Once it has taken these decisions, the AA shall publish a call for applications which shall lay down the maximum number of applications admissible, the criteria to be used in assessing applications and the marking scheme.

The call for applications shall also make clear how important it is that applicants should have an adequate command of at least one of the languages in which the training programme and the tests referred to in Articles 5 and 6 respectively will be held.
2. Officials in function group AST, from grade 5 and above, who have been appointed to an established post in the Secretariat of the European Parliament in accordance with Article 1a of the Staff Regulations and who, on the date of publication of the call for applications, hold one of the following administrative statuses referred to in Article 35 of the Staff Regulations - active employment, secondment in the interests of the service, parental or family leave, or leave for military service - may apply for certification.

The following categories of officials may not apply for certification:

 - (a) officials who have been automatically retired in application of Article 52 of the Staff Regulations during the year concerned or the following year;
 - (b) officials in respect of whom a decision has been taken that their service should be terminated pursuant to Article 47 of the Staff Regulations;
 - (c) officials who have been granted an invalidity allowance in application of Article 78 of the Staff Regulations.

Article 4 - Admissibility of applications and establishment of the list of officials selected to take part in the training programme

1. Applications from the officials referred to in Article 3(2) above shall be deemed admissible if the officials concerned satisfy both of the following conditions:
 - (a) three of the last five annual staff reports must certify that the official concerned has the potential required to carry out the duties of Administrator;
 - (b) the official concerned must have at least six years' seniority in function group AST. The minimum period of seniority must have been acquired by 31 December of the year preceding the year during which the certification procedure is opened. Account shall be taken of seniority acquired as a temporary staff member, provided that there has been no interruption between the periods of employment in that capacity and the periods of employment as an official.
2. The admissible applications shall be classified in order of priority on the basis of the following criteria, taking gender equality principles into account:
 - (a) the staff reports from the last three staff assessment exercises;
 - (b) the level of education and training;
 - (c) professional experience acquired in the institutions, in the light of service needs.The precise nature, value and weighting of the criteria referred to above shall be determined by the AA and notified to staff, in keeping with the procedure laid down in Article 3(1).
3. The AA shall establish, after consulting the COPAC, a draft list of the officials selected to take part in the training programme. That draft list shall include the names of the officials whose applications have been deemed admissible pursuant to paragraph 1 and classified by order of priority pursuant to paragraph 2, down as far as the ranking which corresponds to the number of officials to be authorised to take part in the training programme referred to in Article 3(1)(a).
4. The AA shall notify the officials who have submitted applications but whose names do not appear on the draft list referred to in paragraph 3 of the reasons for the rejection of their applications and of the possibility of lodging a reasoned appeal with the COPAC.
5. Within 10 working days following that notification, officials who have submitted applications but whose names do not appear on the draft list may lodge a duly reasoned appeal, accompanied by all requisite supporting documents, with the COPAC.
6. Within 25 working days following the notification referred to in paragraph 4, the COPAC shall deliver an opinion on each appeal referred to it and an overall reasoned opinion on the draft list. It may hear officials who have lodged appeals and representatives of the AA. The opinion delivered by the COPAC on each appeal shall be forwarded to the official concerned and to the AA.
7. Once the opinion referred to in the previous paragraph has been delivered, the AA shall take a decision on the appeals and then adopt and publish the definitive list of officials authorised to take part in the training programme.

Article 5 - Participation in the training programme

1. In application of Article 2(2) of the Staff Regulations, the European Parliament shall delegate to the EAS the power to define and organise the training programme, 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 School⁴.
2. An official included in the list referred to in Article 4(7) above who is currently taking 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 before or during the period when the training programme is taking place may be authorised to take part in the programme the following year without having to submit a fresh application.
 3. The European Parliament shall ensure that the EAS organises the training programme in such a way that officials assigned to places of work other than Brussels and Luxembourg and officials working part time in accordance with Article 55a(2) of the Staff Regulations may participate therein. Officials shall be granted special leave for the duration of the programme.

Article 6 - Organisation of tests and establishment of the list of officials who have passed the tests demonstrating that they have successfully taken part in the training programme

1. Pursuant to Article 2(2) of the Staff Regulations, the European Parliament shall delegate to EPSO the power to organise written and oral tests and to establish the list of officials who have passed those tests.
2. In this connection, and pursuant to Article 45a(1)(c) of the Staff Regulations and to Article 7(2)(c) of Annex III to the Staff Regulations, the contents of the written and oral tests shall be determined by EPSO.
3. Only officials in respect of whom the EAS certifies that they have taken part in the training programme shall be admitted to the tests.
4. Officials in respect of whom the EAS certifies that they have taken part in the training programme but who are not included in the list referred to in paragraph 1 above may retake the tests twice in subsequent years, provided that they still meet the conditions laid down in Article 3(2).

Article 7 - Publication of the list of officials who have passed the tests demonstrating that they have successfully taken part in the training programme

The AA shall publish the list of officials who have passed the tests, as established by EPSO.

Article 8 - Applications for vacant posts in function group AD

1. Officials included in the list referred to in Article 6(1) above may apply for vacant posts in function group AD corresponding to their grade in accordance with the conditions set out in Article 29(1)(a)(ii) and (b) of the Staff Regulations.
2. The AA shall ensure that, pursuant to Article 45a of the Staff Regulations, the number of appointments of officials who have successfully completed the certification procedure to posts in function group AD does not exceed 20% of the total number of appointments made per year in that function group in accordance with the second paragraph of Article 30 of the Staff Regulations.

⁴ Decision 2005/119/EC of 26 January 2005 (OJ L 37, 10.2.2005, p. 17).

Article 9 - Joint Certification Procedure Committee

1. A Joint Certification Procedure Committee (COPAC) is hereby instituted.
2. The COPAC shall be chaired by a representative of the Administration and shall consist of three representatives of the Administration and three representatives of the Staff Committee, together with an observer from the Committee on Equal Opportunities. As far as possible, the two genders shall be represented equally on the COPAC.
3. The COPAC shall adopt its rules of procedure by a majority of two-thirds of its members.
4. At the end of each year, the COPAC shall adopt an opinion on the outcome of the certification procedure. It may attach recommendations to that opinion. That opinion shall be notified to the AA.

Article 10 - Transitional provisions

1. By way of derogation from Article 4(1)(a):
 - (a) only the staff reports relating to 2006 and 2007 shall be taken into account for the purposes of the 2008 certification procedure,
 - (b) only the staff reports relating to 2006, 2007 and 2008 shall be taken into account for the purposes of the 2009 certification procedure,
 - (c) three staff reports from among those relating to 2006, 2007, 2008 and 2009 shall be taken into account for the purposes of the 2010 certification procedure.
2. By way of derogation from Article 4(2)(a), only the staff reports relating to 2006 and 2007 shall be taken into account for the purposes of the 2008 certification procedure.
3. After consultation of the Staff Committee and the Committee on Equal Opportunities, and having received the opinions of the Joint Committee (COPAR) and of the Staff Regulations Committee, the European Parliament shall review and, where appropriate, amend the criteria laid down in Article 4 before the end of 2010 at the latest, in the light of the outcome of the certification procedure.

Article 11 - Final provision

The general implementing provisions adopted by the Bureau on 26 September 2005 are hereby repealed. These general implementing provisions shall enter into force on the day following their adoption.