



DECISION No 0403/2014

**adopting the general provisions for implementing
Article 45a of the Staff Regulations****THE SECRETARY-GENERAL,**

HAVING REGARD TO the Staff Regulations of Officials of the European Union (hereinafter referred to as the Staff Regulations), as laid down by Council Regulation¹ (EEC, Euratom, ECSC) No 259/68, and its subsequent amendments, in particular, Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013², and notably Articles 43, 45a and 110,

HAVING REGARD TO Decision No 0004/2008 of 16 September 2008 concerning the exercise of the powers conferred by the Staff Regulations upon the appointing authority,

HAVING REGARD TO the Rules of Procedure of the Committee of the Regions, and in particular Article 73,

HAVING REGARD TO Decision No 0118/2011 of 24 May 2011 adopting the general provisions for implementing Article 45a of the Staff Regulations,

AFTER consulting the Staff Committee,

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WHEREAS in accordance with Article 45a of the Staff Regulations a "certification procedure" is to be established to select, where appropriate, officials in function group AST who may, from grade 5, be appointed to a post in function group AD,

WHEREAS under Article 45a(5) of the Staff Regulations, the Committee of the Regions adopted the general provisions for implementing the certification procedure, under Decision No 204/05 of 8 September 2005, which were amended on 19 October 2007 and 24 May 2011,

1 OJ L 56 of 4.3.1968, p.1.

2 OJ L 287 of 29.10.2013, p.15.

.../...

WHEREAS the decision concerning Article 45a of the Staff Regulations should be adapted to the changes in the legal base as of 1 January 2014,

HAS ADOPTED THE FOLLOWING PROVISIONS:

Article 1

Purpose

1. The purpose of the certification procedure is to select officials in function group AST who may, from grade 5, be appointed to a post in function group AD.

Article 2

Frequency of the certification procedure and stages in the certification procedure

1. A certification exercise shall be organised annually, on the basis of this Decision.
2. The certification procedure shall comprise six stages:
 - a) determination of the number of officials who will be authorised to take part in the training programme and publication of a call for applications;
 - b) examination of the admissibility of the applications;
 - c) establishment by the appointing authority of the list of officials selected to take part in the training programme;
 - d) participation in the training programme;
 - e) 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;
 - f) publication by the appointing authority of the list of officials who have passed the tests.

Article 3

Call for applications

1. Each year, after consulting the joint 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, taking account of the institution's future requirements.

On this basis, the appointing authority shall publish a call for applications.

2. As of grade 5, officials in function group AST who have been appointed to a permanent post in the Committee of the Regions, in accordance with Article 1a of the Staff Regulations and whose status, as referred to the Article 35 of the Staff Regulations, is, on the date of

publication of the call for applications, one of the following: active employment, secondment in the interest of the service, 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 a decision has been adopted resulting in the definitive termination of their service, within the meaning of Article 47 of the Staff Regulations;
- c) those to whom an invalidity allowance has been granted during the year in question, under Article 78 of the Staff Regulations.

Article 4

Admissibility of applications

1. The officials referred to in Article 3(2) who apply for the certification procedure shall be admitted provided they meet both of the following conditions:
 - a) Two of the official's last three annual reports issued under Article 43 of the Staff Regulations (hereinafter referred to as staff reports) must state that the official has the potential required to take on the functions of an administrator.
 - b) The official concerned must have at least four years seniority in the AST function group. The minimum seniority must have been acquired by the deadline set by the appointing authority for the submission of applications in the publication of the call for applications referred to in Article 3(1) of this Decision. Account shall be taken of seniority acquired by the official when working as a member of the temporary staff, provided that there is no interruption between the period worked as a member of the temporary staff and the period worked in the capacity as an official.
2. In view of the fact that the language in which the training programme and the written and oral tests referred to in Article 6 and 7 of this Decision are conducted must not be the same as the main language of the official concerned, the attention of applicants for certification is drawn to the importance of having an adequate level of competence in at least one of the languages in which the training programme and the tests are conducted.

Article 5

Establishment of the list of officials selected to take part in the training programme

1. The admitted applicants shall be ranked on the basis of the following criteria:
 - a) the assessments made in the annual staff reports referred to in Article 43 of the Staff Regulations;
 - b) the level of education and training of the applicant;

- c) professional experience and professional training acquired within the institutions and/or in fields in which particular needs have been identified.
2. The precise content, value and weighting of the criteria mentioned above shall be determined by the appointing authority before the publication of the call for applications referred to Article 3 and after having received the opinion of the joint committee referred to Article 10. Staff shall be informed of the decisions taken in this context.
3. After having received the opinion of the joint committee provided for in Article 10, the appointing authority shall draw up and publish a draft list of the officials selected to take part in the training programme. This draft list shall comprise the highest-ranked officials on the list referred to in paragraph 1, down to a ranking decided according to the number of officials able to take part in the training programme, as determined in accordance with Article 3(1).
4. Within a deadline of 10 working days following the publication of the abovementioned draft list, those officials who have submitted their applications in accordance to Article 3(2) and who wish to contest the draft list referred to in paragraph 3 of this Article, may appeal to the joint committee provided for in Article 10. The appeal shall be backed up by reasons and all relevant supporting documents and information.
5. The joint committee shall issue a reasoned opinion in respect of appeals within a deadline of 15 working days following their submission. The joint committee may hear the officials who have submitted an appeal and also representatives of the appointing authority. This opinion shall be communicated to the appointing authority, who shall decide what action should be taken.
6. The appointing authority shall adopt and publish the list of officials authorised to take part in the training programme, after consulting the joint committee provided for in Article 10.
7. An official whose name is included on the abovementioned list and who will be on parental leave (Article 42a of the Staff Regulations), family leave (Article 42b of the Staff Regulations) or maternity leave (Article 58 of the Staff Regulations) either before or during the period when the training programme takes place and who is thus unable to participate, shall be authorised to take part in the training programme held in the following year, without having to submit a new application.

Article 6

Participation in the training programme

1. Pursuant to Article 2(2) of the Staff Regulations, authority for drawing up and organising the training programme shall be delegated 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

and the Committee of the Regions and the representative of the European Ombudsman on the organisation and running of the European School³.

2. The Committee of the Regions shall ascertain from the School that the way in which the training programme is organised enables officials authorised to work part-time, under Article 55a(2) of the Staff Regulations, to participate.

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 referred to as EPSO) and by the School. Pursuant to Article 2(2) of the Staff Regulations, the Committee of the Regions has delegated responsibility for organising the written and oral tests and establishing the list of officials who have passed the tests to EPSO and the School.
2. Only officials whom the School certifies as having followed the training 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 of this Article shall be allowed to re-sit the tests, no more than twice, in the following years, provided they still fulfil the conditions set out in Article 3(2) of the Decision.

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 Committee of the Regions' officials who have passed the written and oral tests.

Article 9

Applications for vacant posts in function group AD

1. Officials included on the list referred to in Article 7(1) may apply, without time limits, for vacant posts in function group AD corresponding to their grade in accordance with the conditions laid down in Article 29(1)(a)(ii) and 29(b) of the Staff Regulations.
2. The appointing authority shall ensure that the number of officials who have successfully completed the certification procedure and been appointed to jobs in function group AD is no

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

more than 20% of the total number of appointments in that function group. This shall be checked every five years.

Article 10

Joint certification committee

1. A joint certification committee, hereinafter referred to as "the committee", shall be established.
2. In addition to its president and his/her alternate, the committee shall comprise four full members and four alternate members belonging to function group AD; two of the four full members and two of the four alternate members shall be appointed by the Secretary-General of the Committee of the Regions and two full members and two alternate members shall be appointed by the Staff Committee for the duration of its term of office.
3. The president of the committee and his/her alternate shall be appointed by the Secretary-General of the Committee of the Regions. The president and his/her alternate shall not be entitled to vote, except in respect of procedural issues. The president and his/her alternate shall ensure that the provisions of this Decision are respected. The president and his/her alternate shall be assisted, for the duration of the work, by a secretariat provided by the administration, after consulting the president of the Staff Committee.
4. The committee shall adopt its Rules of Procedure at its first meeting.
5. Once a year, at the initiative of the Directorate for Administration and Finance, the committee shall be informed by the appointing authority of the implementation of the certification procedure.
6. On the basis of that information, the committee may adopt any recommendation which it deems to be beneficial, for presentation to the appointing authority.

Article 11

Final provisions

These general implementing provisions shall enter into force on the day of their signature. They shall repeal and replace the Decision No 0118/2011 of 24 May 2011.

Done at Brussels, 28 November 2014

(signed)

Jiří Buriánek