

COMMISSION DECISION

of

laying down the Rules of procedure
for the Consultative Committee on Appointments (CCA)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Staff Regulations of Officials of the European Communities¹ and in particular to Articles 4, 29 and 43 thereof,

Considering the necessity to take into account the following decisions:

- Commission decision of 29 September 2004 concerning the function of advisers² (hereinafter: adviser decision),
- Commission decision of 26 October 2004 laying down a Commission policy for senior officials³ (hereinafter: senior management decision),
- Commission decision of 5 March 2005 laying down a Commission policy for middle managers⁴ (hereinafter: middle management decision),
- Decision of the European Parliament, Council, Commission, Court of Justice, Court of Auditors, Economic and Social Committee and the Committee of the Regions of 20 July 2000 on the organisation and operation of the Office for Official Publications of the European Communities⁵;

Considering the necessity to lay down a coherent set of rules of procedures to ensure the proper functioning of the CCA, including in selection procedures relating to the Office for Official Publications and to the European Anti-Fraud Office;

HAS ADOPTED THIS DECISION:

¹ JO L 56 du 4.3.1968, p. 1. Règlement modifié en dernier lieu par le Règlement (CE, Euratom) n° 723/2004 (JO L 124 du 27.4.2004, p. 1).

² C(2004) 3623/3

³ SEC(2004) 1352/2

⁴ C(2005) 504

⁵ OJ L183/12 of 22 July 2000

Article 1
Tasks of the CCA

1. In relation to selection procedures as defined under Article 29 (1) and (2) of the Staff Regulations having the purpose of filling a vacant post of Director-General or their equivalent in grade AD15 or AD16 and of Director or their equivalent in grade AD14 or AD15 (hereinafter referred to as “senior officials”), the CCA shall examine all applications for a vacancy; it shall assess candidates as to their aptitude to exercise senior management functions and propose to the Appointing Authority a list of those candidates it considers most suitably qualified for appointment.
2. In relation to selection procedures as defined under Article 29 (1) and (2) of the Staff Regulations having the purpose of filling a vacant post of Head of Unit or Adviser or their equivalent in grade AD13 or AD14 as well as in relation to selection procedures as defined under Article 29 (1) penultimate sentence of the Staff Regulations having the purpose of filling a vacant post of Head of Unit or Adviser or their equivalent in grade AD12 through an external recruitment procedure, the CCA shall examine all applications for a vacancy; it shall assess candidates as to their aptitude to exercise middle management functions and deliver an opinion on the suitability of the candidates proposed by the recruiting Director-General.

At the request of one its members, after hearing the Director-General concerned and, if required, the Rapporteur appointed to follow the specific selection procedure, the CCA may suggest that a wider choice of candidates should be proposed to the Appointing Authority.

3. In relation to selection procedures as defined under Article 29 (1) and (2) of the Staff Regulations having the purpose of filling a vacant post of Head of Unit or Adviser or their equivalent from grades AD9 to AD12 which have been referred to the CCA at the request of the Secretary-General or the Director-General for Personnel and Administration as provided for in the middle management decision and in the adviser decision, the CCA shall verify whether the selection procedure has been carried out correctly.

The CCA shall hear the Director-General concerned and the Rapporteur, as defined in Article 2 (4) of the middle management decision, appointed to follow that specific selection procedure.

4. The CCA shall act as Evaluation Committee for appeals introduced by senior officials against the appraisal proposed by their reporting officer in the framework of their annual evaluation as foreseen in Article 43 of the Staff Regulations.

In this capacity, the CCA shall ensure that the appraisal has been done in a fair and objective manner and in line with the applicable rules. It shall not replace the reporting officer as regards the actual appraisal of the jobholder.

5. In relation to officials on probation as defined under Article 34 of the Staff Regulations occupying the post of Head of Unit or their equivalent, the CCA, in conformity of Article 11 (5) of the middle management decision, shall issue an

opinion on any proposal of the Appointing Authority to terminate the employment at the end of the probation period in case the probation is deemed to have been unsuccessful.

The CCA shall hear the Director-General concerned and the Rapporteur, as defined in Article 2 (4) of the middle management decision, appointed to follow that specific procedure.

6. The CCA shall deliver an opinion on any proposal of the Appointing Authority to reassign, in conformity with Articles 11 and 13 of the middle management decision, an established official occupying the post of Head of Unit or their equivalent to an administrator's function.

It will also deliver an opinion on any proposal of the Appointing Authority to reassign, in conformity with Articles 13, 14 and 15 of the adviser decision, an established official occupying the post of Adviser or their equivalent to an administrator's function.

The CCA shall hear the Director-General concerned and, where applicable, the Rapporteur, as defined in Article 2 (4) of the middle management decision, appointed to follow that specific procedure.

7. At the request of the Secretary-General, the CCA shall deliver an opinion on any other matter relating to the appraisal, selection and appointment of senior or middle management Commission officials.
8. The CCA shall consign the results of its discussions in an opinion. Opinions of the CCA are purely advisory; they shall not be binding on the Appointing Authority.

Article 2

Permanent Members of the CCA

The following persons shall be permanent members of the CCA:

- the Secretary-General in the Chair,
- the Director-General for Personnel and Administration,
- the Head of the President's Private Office,
- the Head of the Private Office of the Member of the Commission with special responsibility for Personnel and Administration,
- the Permanent Rapporteur,

With the exception of matters referred to in Article 1 (1), read in conjunction with point 5.2.5 of the senior management decision, and of matters referred to in Article 1 (4) and in Article 1 (7), the CCA shall convene in the composition as defined in Articles 3, 4, 5 and 6.

Article 3

Composition of the CCA

Without prejudice to Articles 4, 5 and 6 the CCA shall convene in the following composition:

1. For matters referred to in Article 1 (1) and (4) and relating to a post of Director-General or their equivalent:
 - the Secretary-General in the Chair,
 - the Director-General for Personnel and Administration,
 - the Head of the President’s Private Office,
 - the Head of the Private Office of the Member of the Commission with special responsibility for Personnel and Administration,
 - the Permanent Rapporteur,
 - the Rapporteur designated to follow the specific procedure.
2. For matters referred to in Article 1 (1) and (4) and relating to a post of Deputy Director-General or their equivalent:
 - the Secretary-General in the Chair,
 - the Director-General for Personnel and Administration,
 - the Head of the President’s Private Office,
 - the Head of the Private Office of the Member of the Commission with special responsibility for Personnel and Administration,
 - the Permanent Rapporteur,
 - the Rapporteur designated to follow the specific procedure,
 - the Director-General of the recruiting DG, but only for matters referred to in Article 1 (1).
3. For matters referred to in Article 1 (1) and (4) and relating to a post of Director or Principal Adviser or their equivalent:
 - the Director-General for Personnel and Administration in the Chair,
 - a Deputy Secretary-General,
 - the Head of the Private Office of the Member of the Commission with special responsibility for Personnel and Administration,
 - the Permanent Rapporteur,
 - the Rapporteur designated to follow the specific selection procedure,
 - the Director-General of the recruiting DG, but only for matters referred to in Article 1 (1),
 - for matters referred to in Article 1 (1) relating to a post of “Resource Director” the Director-General of DG Budget, as an observer.

4. For matters referred to in Article 1 (2), (3), (5) and (6) and relating to a post of Head of Unit or Adviser or their equivalent:
- the Director-General for Personnel and Administration in the Chair,
 - a Deputy Secretary-General,
 - the Head of the Private Office of the Member of the Commission with special responsibility for Personnel and Administration,
 - the Permanent Rapporteur.

Article 4

Special composition for the Office for Official Publications (OPOCE)

For matters referred to in Article 1 (1) and (2) and relating to a post of Director-General in grade AD15 or AD16 or their equivalent and of Director in grade AD14 or AD15 or their equivalent or relating to the post of Head of Unit or Adviser in grade AD13 or AD14 or their equivalent in the Office for Official Publications of the European Communities the CCA shall be extended with the following members:

- An official of the European Parliament of grade AD16, AD15 or AD14, appointed as Director-General or Director,
- An official of the Secretariat-General of the Council of grade AD16, AD15 or AD14, appointed as Director-General or Director,
- An official of grade AD16, AD15 or AD14 appointed as Director-General or Director of the Institution occupying the Chair of the Management Committee of the Office for Official Publications, if this Institution is another Institution than the European Parliament, the Council or the Commission,.

Article 5

Special composition for the European Anti-Fraud Office (OLAF)

For matters referred to in Article 1 (1) and (2) and relating to a post of Director in grade AD14 or AD15 or their equivalent or for matters relating to the post of Head of Unit or Adviser in grade AD13 or AD14 or their equivalent in the European Anti-Fraud Office (OLAF) the CCA shall be extended with the following members:

- an official from the Court of Auditors of the grade AD14 or AD15 appointed as Director,
- an official from the Court of Justice of the grade AD14 or AD15 appointed as Director,
- a member of the Supervisory Committee of OLAF.

Article 6
Special composition for
DG Joint Research Centre (JRC)

For matters referred to in Article 1 (1) and relating to a post in DG JRC, the President of the Management Board of the Joint Research Centre shall assist to the deliberations of the CCA as an observer.

Article 7
Rapporteurs

1. On the basis of a proposal made by the Secretary-General, the Commission shall establish a list of officials of grades AD16, AD15 or AD14 occupying the post of Director-General, Deputy Director-General or Director with at least a seniority of two years in that post.

Their mandate shall be three years, and may be renewed once only.

2. The Secretary-General can designate a Rapporteur for each individual procedure.

A Rapporteur must be designated for each individual procedure in one of the matters referred to in Article 1 (1) and in Article 1 (4).

The Rapporteur shall follow the procedure for which they have been appointed throughout its various stages and shall ensure that it is carried out correctly.

3. Under exceptional circumstances, the Secretary-General can replace a Rapporteur during the selection procedure.
4. The Rapporteur shall occupy at least the same function as the post to which the procedure relates.

For matters referred to in Article 1 (4), the Rapporteur shall occupy at least the same function and the same grade as the post to which the procedure relates.

Article 8
Alternates

1. Except in cases provided for in Article 10 and in paragraph 2 of this article, members of the CCA may not be replaced by alternates.
2. In the case referred to in Article 3 (2), sixth indent and (3), sixth indent, the Director-General of the recruiting DG may, on request and in agreement with the Secretary-General, be replaced on an ad hoc basis by a Deputy Director-General or a Director from the same DG.
3. Alternates shall occupy at least the same function as the post subject to discussion in the CCA meeting.

Article 9

Admission of Observers

The CCA, with the agreement of the Secretary-General, may enlist the assistance of human resources experts, independent experts or other persons whose expertise it would require during its deliberations. They can participate in the discussions but shall not be entitled to vote.

Article 10

Conflict of Interest

Members of the CCA who, in a specific matter dealt with by the CCA, have a personal interest such as to impair their independence, within the meaning of Article 11 a (1) of the Staff Regulations, shall neither participate in the deliberations nor vote on that matter. In these instances, they shall be replaced by a Rapporteur designated by the Secretary-General among the members on the list of Rapporteurs.

Article 11

Quorum

1. The CCA shall be quorate when at least four members are present.
2. The Rapporteur designated to follow a specific procedure must be present for deliberations on the matters referred to in Article 1 (1) and (4).

The Director-General of the DG concerned, or an alternate member, must be present for deliberations on matters referred to in Article 1 (1) and relating to a post in this DG.

Article 12

Adoption of opinions

1. The CCA shall adopt its opinion during its meeting or, by way of exception and with the agreement of the Secretary-General, by written procedure.
2. The CCA shall seek to reach a consensus on its opinions. A vote may be taken if necessary at the request of a member. In such cases, the opinion shall be adopted by a simple majority of the members present. In the event of a tie in the voting, the Chair shall have a casting vote.

Opinions shall not refer to the means of their adoption.

3. The deliberations of the CCA shall be secret; supporting documents, including assessment centre reports, shall be treated as “confidential – staff matters” as

defined in Security Notice n° 1 of 8 March 2005. Persons assisting the CCA on the ground of Article 9 shall be requested to sign a declaration by which they commit themselves to respect this secrecy.

Article 13

Secretariat of the CCA

Secretarial services for the CCA shall be provided by DG Personnel and Administration.

Article 14

Calling of meetings

The CCA shall meet on a regular basis. In agreement with the Secretary-General and the Director-General for Personnel and Administration, the CCA Secretariat shall draw up half-yearly timetables for the dates of meetings. They shall be amended if necessary.

The CCA Secretariat shall send out invitations to each meeting if possible five working days before the date of the meeting.

Article 15

Agenda

1. The Secretary-General shall set the agenda on a proposal from the CCA Secretariat. Members of the CCA may ask for an item to be included.
2. Requests for items to be included must reach the CCA Secretariat at least five working days before the date of the meeting. The Secretary-General may, upon a duly substantiated request, agree to waive the requirement for five days notice.

Additional items proposed at a meeting may be added to the agenda provided all members present agree thereto.

3. The CCA Secretariat shall ensure that the agenda and the working documents for each meeting are sent in time to reach the members of the CCA.
4. The CCA may decide by a majority of the members present not to discuss an item of the agenda.
5. Any matter may be withdrawn from the agenda at the request of a member of the CCA and postponed to a following meeting.

Article 16

Minutes and opinions

1. The CCA Secretariat shall draw up the draft minutes if possible within four working days following the meeting. The draft minutes shall be sent to the permanent members of the CCA and approved by written procedure.

Remarks made by a member of the CCA about the draft minutes, shall be transmitted by the CCA Secretariat to the other members before final approval of the minutes.

2. Any member of the CCA may make a statement at a meeting for inclusion in the minutes. The text of the statement must be sent in writing to the CCA Secretariat within two working days following the meeting.
3. The opinions of the CCA shall be signed by the Secretary-General and annexed to the minutes.

A copy of the minutes with its annexes shall be sent to each permanent member of the CCA.

4. For matters referred to in Article 1 (1), a copy of the opinion shall be sent to the DG concerned and to the Secretariat-General for circulation to the Commission. The same applies to matters referred to in Article 1 (2), with the exception of selection procedures as defined under Article 29 (1) penultimate sentence of the Staff Regulations having the purpose of filling a vacant post of Head of Unit or Adviser or their equivalent in grade AD12.

For matters referred to in Article 1 (2) in relation to selection procedures as defined under article 29 (1) penultimate sentence, of the Staff Regulations having the purpose of filling a vacant post of Head of Unit or Adviser or their equivalent in grade AD12, as well as for matters referred to in article 1 (3), (5) and (6), a copy of the opinion shall be sent to the DG concerned and to the Member(s) of the Commission with special responsibility for that DG.

5. All permanent members of the CCA shall, throughout their term of office, have access, on request, to the archives of the CCA Secretariat.

Final provisions

Article 17

On the basis of a joint proposal by the Secretary-General and the Director-General for Personnel and Administration, the CCA, in its composition as defined in Article 2, shall lay down practical arrangements for applying these rules of procedure.

Article 18

The following decisions are repealed:

- Commission Decision of 17 April 2002 adopting the rules of procedure for the CCA
- Commission Decision of 10 October 2003 amending the rules of procedure for the CCA
- Commission Decision of 14 November 2005 amending the rules of procedure for the CCA
- Commission decision of 23 January 2001 on the composition of the CCA in relation to selection procedures for middle management and senior management positions in the European Anti-Fraud Office (OLAF).

Article 19

This decision shall enter into force the day following their adoption.

Done in Brussels,

For the Commission

[...]

Member of the Commission