



The Hague, 04 October 2019

EDOC #1037163v4A

**DECISION OF THE MANAGEMENT BOARD OF EUROPOL**

**of 04 October 2019**

**on middle management staff**

THE MANAGEMENT BOARD of EUROPOL,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union (hereinafter 'CEOS') laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council <sup>1</sup>, and in particular Articles 2, 4, 5, 7 and 29 of the Staff Regulations and Articles 6, 10(1) and 53 of the CEOS,

Having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA<sup>2</sup> ('Europol Regulation'), and in particular Articles 11(1)(h) and 53 thereof,

Having regard to the Decision of the Management Board of Europol of 28 February 2019 laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the CEOS (hereinafter 'GIPs on temporary staff 2(f)')<sup>3</sup>,

Having regard to the Europol Management Board Decision of 23 May 2019 on types of post and post titles,

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations C(2019)6928 of 25 September 2019,

After consulting the Staff Committee,

Whereas:

- 1) On 26 September 2014, Communication from Vice-President Šefčovič to the Commission on the guidelines on the implementation of Article 110(2) of the Staff Regulations with regard to the implementing rules applicable in the agencies was adopted [C(2014)6543].

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<sup>1</sup>OJ L 56, 4.3.1968, p.1.

<sup>2</sup> OJ L 135, 24.5.2016, p. 53

<sup>3</sup> EDOC #979259v10A

## **Europol Unclassified – Basic Protection Level**

- 2) On 8 July 2016, the Commission informed Europol that it adopted Decision C(2016) 3288 of 15 June 2016 on middle management staff.
- 3) Pursuant to Article 110(2) of the Staff Regulations, implementing rules such as those referred to in Recital 1 are to apply by analogy to Europol. By way of derogation, an agency may request the Commission's agreement to the non-application of certain implementing rules. The Commission may, instead of accepting or rejecting the request, require the agency to submit for its agreement implementing rules which are different from those adopted by the Commission.
- 4) Commission Decision C(2016)3288 is suitable to apply to Europol if it is adapted to the peculiarities of Europol. Those peculiarities concern in particular temporary staff referred to in Article 2(f) of the CEOS, the parties involved in the selection procedure of middle managers, differentiation between an internal, inter-agency and external publication, and non-compulsory mobility.
- 5) Pursuant to Article 53(2) of the Europol Regulation, the Management Board should decide which temporary posts provided for in the establishment plan can be filled only by staff from the competent authorities of the Member States. These specificities, as reflected in the MB decision on TA2f, should be taken into account.
- 6) The Europol's managers are central to the Europol's talent management efforts as they are both responsible for charting new course of action, driving change and achieving operational priorities and responsible for the management and development of their staff. Middle managers should not only have a very good knowledge of their subject areas, they should also be outstanding in managing work, people or financial resources.
- 7) Mobility between management functions should be encouraged and mobility between management and non-management functions should be facilitated by making it possible for temporary staff who opted out from a middle management function to return to a head of unit or head of Department, hereinafter 'head of unit' function, without having to undergo a new selection procedure.
- 8) The legal framework established by the present Decision will be complemented by additional measures, in particular effective information on the managerial performance, development initiatives (through training, mentoring, coaching, 360°/180° feedback mechanism) and talent management for both heads of unit in place and temporary agents aspiring to become middle managers.

HAS DECIDED AS FOLLOWS:

# Europol Unclassified – Basic Protection Level

## CHAPTER I

### SECTION 1. GENERAL PRINCIPLES

#### *Article 1: Aims<sup>4</sup>*

The purpose of this Decision is to establish a legal framework setting out the internal rules of Europol concerning:

- procedures for the selection and appointment of middle managers;
- the role and position of heads of unit;
- the arrangements for reassigning heads of unit to non-management functions in certain circumstances;
- the trial period for staff appointed to a middle management function in Europol for the first time.

This Decision shall apply to all Europol services.

#### *Article 2: Middle management functions*

##### 1. Middle management functions and staff

Middle management functions shall mean a function which meets both of the following criteria:

- it involves the permanent and continuous management of an administrative unit;
- is referred in Europol Management Board Decision of 23 May 2019 on types of post and post titles as head of unit and head of department as well as others equivalent mentioned in this Decision.

A person assigned to a function which satisfies both of these criteria at the same time is thereby a member of the middle management staff.

This means that the functions of head of unit and head of department are hereby defined as middle management functions and are covered by this decision.

For the purposes of this decision, the term 'head of unit' shall refer to all middle management functions, except in cases where a distinction is made between restricted and non-restricted middle management functions.

For the purpose of this decision:

- a) the term 'restricted' shall refer to restricted (functions and) posts as provided for in the establishment plan and as defined in the Management Board Decision defining the Europol posts that can be filled only by staff engaged from the competent authorities of the Member States ('MB Decision on restricted posts').
- b) The term 'non-restricted' shall refer to non-restricted (functions and) posts as provided for in the establishment plan and not falling within the category of restricted post.

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<sup>4</sup> Any reference in this Decision to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice versa, unless the context clearly indicates otherwise.

## Europol Unclassified – Basic Protection Level

### 2. Functions not covered by this Decision

Advisers are not covered by this decision as they do not carry out management functions.

Deputy heads of unit and heads of team are not covered by this Decision.

### *Article 3: Authority authorised to conclude contracts of employment ('AACC') and rapporteurs*

#### 1. AACC

Except where otherwise provided for and without prejudice to the Management Board decision on delegation of the Appointing Authority and AACC powers, the AACC powers according to this decision, including the decisions on appointments to middle management functions whose level has been fixed at AD 12-AD 14 shall be exercised by the Head of the Agency as referred to in the act(s) establishing the Agency ('the Executive Director').

#### 2. Rapporteur

In cases of reassignment to a non-management function, the Executive Director shall designate a rapporteur for the procedure. The rapporteur shall be chosen from the established heads of unit of the Agency who shall not be in any conflict of interest.

### *Article 4: Role of heads of units*

The role of heads of unit is regarded as particularly important. They shall possess specific management (i.e. work organisation, people management and, where relevant, financial resources management) competencies and an appropriate degree of specialist knowledge and technical expertise.

The role and responsibility of heads of unit shall comprise essentially three aspects, including, but not limited to:

- the head of unit shall issue guidelines for policies and actions to his unit on the basis of the mission statement, strategic plan and annual management/work programme of the Agency department. He shall define the unit work programme, coordinate work within the unit and with other units and represent the unit at important meetings;
- the head of unit shall be the main channel for the exchange of information between senior<sup>5</sup> management and the unit's members;
- the head of unit shall be directly responsible for the management of the human resources of the unit and, in many cases, also its financial resources.

### *Article 5: Determining the level of a function and filling it*

#### 1. As a general rule, the level of head of unit non-restricted functions is fixed at AD 9/AD14 as regards internal and inter-agency publications and AD9/AD12 as regards external publication.

As a general rule, the level of head of unit restricted functions is fixed at AD9/AD12 as regards external publication.

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<sup>5</sup> Senior manager functions are manager functions above middle management.

## **Europol Unclassified – Basic Protection Level**

For internal and inter-agency publications for non-restricted head of unit functions, the level of a function can be fixed at AD12/AD14 only by the Executive Director depending on the importance of the tasks, the number of staff reporting to the function in question and/or the level of budgetary resources managed.

2. The functions shall be filled in accordance with the GIPs on temporary staff 2(f).

A temporary staff recruited to occupy a non-restricted post may be reassigned to a head of unit function in the interest of the service in accordance with Article 7(1) of the Staff Regulations<sup>6</sup> when the conditions set out in Article 8(1) and Article 10(1) of this Decision are met.

A temporary staff recruited to occupy a restricted post may be reassigned to a head of unit function in the interest of the service in accordance with Article 7(1) of the Staff Regulations<sup>7</sup> when the conditions set out in Article 23 and Article 24 of this Decision are met.

### *Article 6: Options to fill a post/function*

1. Article 2 of the GIPs on temporary staff 2(f) shall apply for non-restricted posts.
2. Articles 18, 19 of the GIPs on temporary staff 2(f) shall apply for restricted posts.

## **CHAPTER II**

### **NON-RESTRICTED FUNCTIONS<sup>8</sup>**

#### **SECTION 1. FILLING HEAD OF UNIT FUNCTIONS AT LEVEL AD 9-AD 14 – INTERNAL, INTER-AGENCY MOBILITY**

### *Article 7: Reassignment and publication of a function*

1. Articles 3, 4 and 7 of the GIPs on temporary staff 2(f) shall apply respectively.
2. If a post is to be published, the Human Resources Unit shall draw up a vacancy notice that is agreed by the Executive Director and then shall publish it.
3. The vacancy notice may be simultaneously published for transfer and reclassification.

### *Article 8: Eligibility*

1. In the case of reassignment to a middle management function in the interest of the service within the Agency (according to Article 7(1) of the Staff Regulations), the person must:
  - be a temporary staff referred to in Article 2(f) CEOS;
  - be in grade AD9, AD10, AD11, AD12, AD13 or AD14;

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<sup>6</sup> Applicable to temporary staff by virtue of Article 10(1) of the CEOS.

<sup>7</sup> Applicable to temporary staff by virtue of Article 10(1) of the CEOS.

<sup>8</sup> Any reference to a 'post' or '(middle) (non-) management function' in this Chapter should be read as 'non-restricted post' and 'non-restricted (middle) (non-) management function'.

## Europol Unclassified – Basic Protection Level

- already occupy a middle management function or have occupied such a function in the EU institutions or agencies.

Only temporary staff who were appointed to a middle management function on the basis of a selection procedure that was equivalent to the selection procedures applied by Europol at that time may be reassigned to a middle management function in accordance with this paragraph.

Reassignment shall be excluded for temporary staff who ceased to exercise management duties due to an unsuccessful trial period (Article 17) or due to insufficient managerial ability (Article 20(1)) and for temporary staff who opted out voluntarily from a middle management function before they successfully completed their trial period.

2. In the case of publication of a vacancy notice, applicants must, on the closing date for the receipt of applications:
  - be established temporary staff referred to in Article 2(f) CEOS. As regards inter-agency publication, Article 9 of the GIPs on temporary staff 2(f) shall apply;
  - be in grade
    - AD9, AD10, AD11, AD12, AD13 or AD14, or
    - in case of a temporary agent of the same agency where the vacancy is to be filled simultaneously for reclassification, to be in grade AD8 and have a seniority of at least two years in that grade;
  - possess the qualifications specified in the vacancy notice; and
  - possess the competencies set out in the Annex to this Decision.

### *Article 9: Selection and appointment*

1. Selection:

In the case of publication of a vacancy notice, the stages in selection to be followed by the AACC shall be as follows:

- (a) Assessment of applications by the pre-selection panel

The Executive Director shall set up a pre-selection panel comprising at least three members of a grade and management function equal or superior to that of the function to be filled, including one member from another Department. Where there are no temporary agents in the agency fulfilling the requirement of management function and grade, the Executive Director may decide to designate officials or temporary agents from another agency or institution who fulfil that condition. The Executive Director may invite other persons to the pre-selection panel as observers. The Executive Director must ensure, whenever possible, that there is a balanced representation of men and women in the pre-selection panel.

Using assessment checklists, the pre-selection panel shall consider all applications received having regard to the vacancy notice. Where appropriate, it shall conduct interviews. It shall draw up a shortlist of the applicants who most correspond to the profile sought, giving reasons for its choices.

## **Europol Unclassified – Basic Protection Level**

- (b) Invitation to the interviews with the Executive Director and two members of a grade and management function equal or superior to that of the function to be filled.

The applicants on the shortlist shall be invited to an interview with the Executive Director and the members mentioned above. The Executive Director may decide to invite also other eligible applicants.

- (c) Assessment centre

All applicants invited to the interviews with the Executive Director and the other members shall take part in an assessment centre, unless they have already taken part in such an assessment centre in the course of the two years preceding the closing date for the receipt of applications. If an applicant has taken part in an assessment centre within this two-year period, but not within the 18 months preceding the closing date for the receipt of applications, he may at his request be admitted to the assessment centre.

The assessment centre shall evaluate the applicants' potential and shall provide an in-depth analysis of managerial skills, adaptability and other core competencies. It shall comprise individual and/or group exercises as well as in-depth interviews focussed on management skills. The result of the assessment centre shall be taken into consideration by the appointing authority.

- (d) Interviews conducted by the Executive Director and the members mentioned in point (b).

The Executive Director and the members mentioned in point (b) shall interview the invited applicants.

### 2. Appointment:

- (a) The selected candidate shall be appointed in his current grade, except for candidates in grade AD8 who shall be appointed in grade AD9.
- (b) Articles 6(2) and Article 10 of the GIPs on temporary staff 2(f) shall apply respectively to the selected candidates of the same and a different agency.

## **SECTION 2. SPECIAL PROCEDURE FOR FILLING HEAD OF UNIT FUNCTIONS AT LEVEL AD12-AD 14 – INTERNAL, INTER-AGENCY MOBILITY**

### *Article 10: Eligibility*

1. In the case of reassignment to a middle management function in the interest of the service within the Agency (according to Article 7(1) of the Staff Regulations), the person must:
- be a temporary agent referred to in Article 2(f) CEOS;
  - be in grade AD12, AD13 or AD 14;
  - have already occupied a middle management function in the institutions or agencies for at least two years.

Only temporary agents who were appointed to a middle management function on the basis of a selection procedure that was equivalent to the selection procedures

## Europol Unclassified – Basic Protection Level

applied by Europol at that time may be reassigned to a middle management function in accordance with this paragraph.

Reassignment shall be excluded for temporary agents who ceased to exercise management duties due to an unsuccessful trial period (Article 17) or due to insufficient managerial ability (Article 20(1)) and for temporary agents who opted out voluntarily from a middle management function before they successfully completed their trial period.

2. In the case of publication of a vacancy notice, applicants must, on the closing date for the receipt of applications:
  - be established temporary staff referred to in Article 2(f) CEOS. As regards inter-agency publication, Article 9 of the GIPs on temporary staff 2(f) shall apply;
  - be in grade
    - AD12, AD13 or AD14, or
    - in case of an official or temporary agent of the same agency where the vacancy is to be filled simultaneously for reclassification, to be in grade AD11 and have a seniority of at least two years in that grade;
  - have at least two years of experience in a middle management function in the EU institutions/agencies<sup>9</sup>;
  - possess the qualifications specified in the vacancy notice; and
  - possess the competencies set out in the Annex to this decision.

### *Article 11: Selection and appointment*

1. Selection:

In the case of publication of a vacancy notice, the selection procedure shall be the same as for head of unit functions at grades AD9/AD14.
2. Appointment:
  - (a) The Executive Director shall appoint the selected applicant. The selected candidate shall be appointed in his current grade, except for candidates in grade AD11 who shall be appointed in grade AD12.
  - (b) Articles 6(2) and Article 10 of the GIPs on temporary staff 2(f) shall apply respectively to the selected candidates of the same and a different agency.

## **SECTION 3: FILLING HEAD OF UNIT FUNCTIONS THROUGH ENGAGEMENT FOLLOWING EXTERNAL SELECTION**

### *Article 12: General provisions*

1. Without prejudice to specific provisions of the present Decision, Articles 11, 13, 14 and 15 of the GIPs on temporary staff 2(f) shall apply.

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<sup>9</sup> For this eligibility criterion, heads of cabinet and deputy heads of cabinet with two years of experience in those functions are considered to have the requisite experience.

## **Europol Unclassified – Basic Protection Level**

2. Any selection procedure shall be organised at one single grade out of the grades AD9, AD10, AD11, or AD12.

### *Article 13: Eligibility*

1. On the closing date for the receipt of applications, applicants must:
  - without prejudice to Article 14(1) of the present Decision, fulfil the requirements referred to in Article 13(1) of the GIPs on temporary staff 2(f);
  - possess the qualifications specified in the vacancy notice;
  - possess the competencies set out in the Annex to this Decision.

### *Article 14: Selection and appointment*

1. Without prejudice to Article 9(1) of the present decision, Articles 1, 2 and relevant provisions of Article 3 of the Annex I to the GIPs on temporary staff 2(f) shall apply.
2. As regards the minimum number of professional experience corresponding to each grade, at least two years should have been acquired as a manager.

### *Article 15: Engagement*

1. Article 12 of the GIPs on temporary staff 2(f) shall apply.

## **SECTION 4. COMMON PROVISIONS CONCERNING THE APPLICATION OF ARTICLE 8(1) OF THE CEOS**

### *Article 16: Duration of contracts and succession of contracts in case of inter-agency mobility*

Articles 16 and 17 of the GIPs on temporary staff 2(f) shall apply.

## **SECTION 5. TRIAL PERIOD**

### *Article 17: Trial period*

1. Scope and duration  
All newly appointed heads of unit shall serve a management trial period of nine months as a 'probationer head of unit', unless they have already successfully passed such a management trial period in a previous function in the EU institutions as referred in the Article 1(a) paragraph 2 of the Staff Regulations.
2. Training  
Newly appointed heads of unit must have completed a management induction course at the latest three months after having taken up their duties. Management courses listed in the Commission's/Agency's training catalogue or offered by the European School of Administration and followed by an applicant during the five years prior to the appointment may be validated by the appointing authority as management induction courses.

## Europol Unclassified – Basic Protection Level

### 3. Assessment

Continuous assessment shall be ensured through a mid-term review after four months and a final assessment at the end of the trial period. This two-phase evaluation shall be different from the annual report required under Article 43 of the Staff Regulations<sup>10</sup> for all grades and functions and provide the first opportunity to check whether the person being assessed has the qualities needed to carry out the management role effectively.

The mid-term review and the final assessment shall be drawn up by the reporting officer. In case of unsatisfactory mid-term review and/or final assessment, it/they shall, unless the reporting officer is the Executive Director, be countersigned by a countersigning officer. If there is disagreement, the countersigning officer shall bear final responsibility for these reports.

The reporting officer shall be the same as the reporting officer in charge of the annual report. The countersigning officer shall, where applicable, be the reporting officer's direct superior.

### 4. Mid-term review after four months

The mid-term review shall be conducted on the basis of a previously agreed statement incorporating objectives and performance indicators (linked to standard management tasks/skills) for the individual and/or the unit which he is managing.

If there is disagreement on the conclusions of the mid-term review, the probationer head of unit may request the Executive Director to designate two heads of unit in the Agency who are the most senior in the highest grade to give their opinions to the Executive Director. The mid-term review, as confirmed or modified by the Executive Director, after receiving this opinion, shall be considered final.

### 5. Final assessment for temporary agents already in service

The final assessment shall be drawn up no later than one month before the expiry of the management trial period. This final assessment shall provide a formal opportunity to make a definitive judgement as to whether the temporary staff has the necessary managerial ability and can remain in his function.

Where, during the management trial period, a temporary staff member is prevented, by sickness, maternity leave under Article 58 of the Staff Regulations<sup>11</sup> or accident, from performing his duties for a continuous period of at least one month, the Executive Director, may, after hearing the temporary staff member, extend the management trial period by the corresponding length of time. The total length of this period shall in no circumstances exceed 15 months.

The final assessment shall be communicated to the probationer head of unit, who shall have the right to submit his comments in writing within a period of eight working days.

In cases of a reassignment, an internal or an inter-agency mobility, if the trial management period is deemed to have been unsuccessful, the Executive Director shall propose, subject to establishment plan availabilities and the technical profile of the probationer head of unit, reassignment to a non-management function.

The Executive Director shall take the final decision, after hearing the temporary staff concerned and consulting the rapporteur.

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<sup>10</sup> Applicable to temporary staff by virtue of Article 15(2) of the CEOS.

<sup>11</sup> Applicable to temporary staff by virtue of Article 16 of the CEOS.

## Europol Unclassified – Basic Protection Level

### 6. Final assessment for newly recruited heads of unit

For 'probationer heads of unit' recruited following an external selection procedure the final assessment shall incorporate the normal probation report provided for in Article 14(3) of the CEOS. The decision to establish a newly recruited head of unit shall be taken on the basis of this assessment as well as on the basis of elements at the disposal of the AACC relating to the probationer head of unit's conduct with regard to Title II of the Staff Regulations<sup>12</sup>.

The final assessment shall be drawn up no later than one month before the expiry of the trial period. Where, during the management trial period, a temporary staff is prevented, by sickness, maternity leave under Article 58 of the Staff Regulations or accident, from performing his duties for a continuous period of at least one month, the Executive Director may, after hearing the temporary staff, extend the management trial period by the corresponding length of time. The total length of this period shall in no circumstances exceed 15 months.

The final assessment shall be communicated to the probationer head of unit, who shall have the right to submit his comments in writing within a period of eight working days.

If at the end of the process the probation is deemed to have been unsuccessful, the Executive Director shall terminate the employment contract after hearing the temporary staff concerned.

## SECTION 6: A CAREER IN MIDDLE MANAGEMENT

### *Article 18: Mobility*

The following rules on mobility shall apply.

1. Mobility is encouraged for all heads of unit. This shall in no way restrict the right of the AACC to make use of Article 7(1) of the Staff Regulations (reassignment in the interest of the service).

The mobility of heads of unit, where they are not assigned to restricted posts, from horizontal Departments to operational Departments – and vice versa – is strongly recommended. Similar moves from horizontal to operational functions (and vice versa) within a given Departments are also encouraged.

### *Article 19: Voluntary opt-out*

A head of unit may opt out from a management function at any stage during his career, either by applying for an adviser, senior expert or administrator function (following the publication of this function) or by requesting to be reassigned to a non-management function in the interest of the service (under Article 7(1) of the Staff Regulations). He shall continue to be entitled to the benefit provided for in the second paragraph of Article 44 of the Staff Regulations for a period of one year.

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<sup>12</sup> Applicable to temporary staff by virtue of Article 11 of the CEOS.

## Europol Unclassified – Basic Protection Level

### *Article 20: Reassignment to a non-management function*

Heads of unit may be reassigned to a non-management function whilst keeping their grade. Reassignment to a non-management function shall be possible in the following cases.

1. Insufficient managerial ability as a head of unit
  - (a) In cases of a reassignment, an internal or an inter-agency mobility, reassignment following the trial period.

A newly appointed head of unit may be reassigned to a non-management function in accordance with Article 17(5).
  - (b) Reassignment at any stage during a managerial career.

A procedure for reassignment to a non-management function may be launched by the Executive Director if the performance of a head of unit or his managerial performance has been evaluated as unsatisfactory in the last annual report provided for in Article 43 of the Staff Regulations. It must be launched by the Executive Director if the performance or managerial performance has been evaluated as unsatisfactory in two of the last three annual reports. Furthermore, the procedure may be launched by the Executive Director in exceptional and duly justified cases.

Procedure to be followed:

Before a decision is taken, the case shall be further assessed by the rapporteur who shall issue an opinion in which it may:

    - whenever possible, suggest that the temporary staff be offered another management function. In this case, the temporary staff could be offered additional training related to possible deficiencies in management ability;
    - confirm that the temporary staff be reassigned to a non-management function.

Final decision: following the opinion of the rapporteur, the Executive Director shall take the final decision, after hearing the temporary staff concerned.
2. Reassignment in case of revision of the organisation chart or in case of mobility encouraged by Article 18:
  - (a) Where the function occupied by a head of unit ceases to exist as a consequence of a revision of the organisation chart of the Agency, the Executive Director may, after having examined the possibilities of transfer to a vacant head of unit function in the Agency, reassign him to a non-management function.
3. In the cases referred to in paragraph 2, the temporary staff concerned shall be heard before the decision on the reassignment is taken. The temporary staff concerned shall continue to be entitled to the benefit provided for in the second paragraph of Article 44 of the Staff Regulations for a period of one year.

## **Europol Unclassified – Basic Protection Level**

### **SECTION 7 –SPECIFIC CASES**

#### *Article 21: Seconded heads of unit*

1. A function of 'seconded head of unit' may be created to make it possible to second a head of unit in the interest of the service (under Articles 37(a) and 38 of the Staff Regulations<sup>13</sup>).
2. The function of seconded head of unit shall be created in the Agency of origin of the person concerned, in accordance with the applicable rules on modification of organisation charts. This function shall automatically cease to exist when, either at the end of the secondment or at the latest 12 months afterwards, the temporary staff is reassigned or appointed to a different function.
3. At the end of the secondment, the seconded head of unit shall return to the Agency of origin and occupy the function of seconded head of unit, pending reassignment in the interest of the service or appointment (following the publication of a function) to a middle management function within 12 months.  
  
If, at the end of that 12-month period, the temporary staff has not been reassigned or appointed to a middle-management function, the Executive Director shall, after hearing the temporary staff, reassign him to a non-management function.
4. A seconded head of unit shall be entitled to the benefit provided for in the second paragraph of Article 44 of the Staff Regulations, unless the remuneration carried by the function to which he is seconded exceeds his remuneration as head of unit.

### **CHAPTER III**

#### **RESTRICTED FUNCTIONS<sup>14</sup>**

##### **SECTION 1. FILLING HEAD OF UNIT FUNCTIONS AT LEVEL AD 9-AD 14 – BY MEANS OF REASSIGNMENT**

#### *Article 22: Reassignment in the interest of the service*

Article 20 of the GIPs on temporary staff 2(f) shall apply.

#### *Article 23: Eligibility*

1. In the case of reassignment to a middle management function in the interest of the service within the Agency (according to Article 7(1) of the Staff Regulations), the person must:
  - be a temporary staff referred to in Article 2(f) CEOS recruited to occupy a restricted post;
  - be in grade AD9, AD10, AD11, AD12, AD13 or AD14;

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<sup>13</sup> Applicable to temporary staff referred to in Article (2f) of the CEOS by virtue of Article 51 thereof.

<sup>14</sup> Any reference to a 'post' or '(middle) management function' in this Chapter should be read as 'restricted post' and 'restricted (middle) management function'.

## **Europol Unclassified – Basic Protection Level**

- already occupy a (restricted or non-restricted) middle management function or have occupied such a function in the EU institutions or agencies.

Only temporary staff who were appointed to a middle management function on the basis of a selection procedure that was equivalent to the selection procedures for restricted posts applied by Europol at that time may be reassigned to a middle management function in accordance with this paragraph.

Reassignment shall be excluded for temporary staff who ceased to exercise management duties due to an unsuccessful trial period (Article 17) or due to insufficient managerial ability (Article 20(1)) and for temporary staff who opted out voluntarily from a middle management function before they successfully completed their trial period.

### **SECTION 2. SPECIAL PROCEDURE FOR FILLING HEAD OF UNIT FUNCTIONS AT LEVEL AD12-AD14 – BY MEANS OF REASSIGNMENT**

#### *Article 24: Eligibility*

1. In the case of reassignment to a middle management function in the interest of the service within the Agency (according to Article 7(1) of the Staff Regulations), the person must:
  - be a temporary agent referred to in Article 2(f) CEOS recruited to occupy a restricted post;
  - be in grade AD12, AD13 or AD14;
  - have already occupied a (restricted or non-restricted) middle management function in the institutions or agencies for at least two years.

Only temporary agents who were appointed to a middle management function on the basis of a selection procedure that was equivalent to the selection procedures for restricted posts applied by Europol at that time may be reassigned to a middle management function in accordance with this paragraph.

Reassignment shall be excluded for temporary agents who ceased to exercise management duties due to an unsuccessful trial period (Article 17) or due to insufficient managerial ability (Article 20(1)) and for temporary agents who opted out voluntarily from a middle management function before they successfully completed their trial period.

### **SECTION 3: FILLING HEAD OF UNIT FUNCTIONS THROUGH ENGAGEMENT FOLLOWING EXTERNAL SELECTION**

#### *Article 25: General provisions*

1. Without prejudice to specific provisions of the present Decision, Articles 21, 23, 24, 25 of the GIPs on temporary staff 2(f) shall apply.
2. Any selection procedure shall be organised at one single grade out of the grades AD9, AD10, AD11, or AD12.

## **Europol Unclassified – Basic Protection Level**

### *Article 26: Eligibility*

On the closing date for the receipt of applications, applicants must:

- without prejudice to Article 27 of the present Decision, fulfil the requirements referred to in Article 23 of the GIPs on temporary staff 2(f);
- possess the qualifications specified in the vacancy notice;
- possess the competencies set out in the Annex to this Decision.

### *Article 27: Selection and appointment*

#### 1. Selection:

The stages in selection to be followed by the AACC shall be as follows:

##### (a) Assessment of applications by the pre-selection panel

The Executive Director shall set up a pre-selection panel comprising at least three members of a grade and management function equal or superior to that of the function to be filled, including one member from another Department. Where there are no temporary agents in the Agency fulfilling the requirement of management function and grade, the Executive Director may decide to designate officials or temporary agents from another agency or institution who fulfil that condition. The Executive Director shall designate up to two additional members of the pre-selection panel if so requested by the Chairperson of the Management Board. The additional members shall consist of a representative of the Presidency of the Council of the European Union (hereafter 'Presidency') or one representative of the Presidency and one representative of another Member State.

The Executive Director may invite other persons to the pre-selection panel as observers. The Executive Director must ensure, whenever possible, that there is a balanced representation of men and women in the pre-selection panel.

Using assessment checklists, the pre-selection panel shall consider all applications received having regard to the vacancy notice. Where appropriate, it shall conduct interviews. It shall draw up a shortlist of the applicants who most correspond to the profile sought, giving reasons for its choices.

##### (b) Invitation to the interviews with the Executive Director, two members of a grade and management function equal or superior to that of the function to be filled, and up to two additional members if so requested by the Chairperson of the Management Board. The additional members shall consist of a representative of the Presidency or one representative of the Presidency and one representative of another Member State.

The applicants on the shortlist shall be invited to an interview with the Executive Director and the members mentioned above. The Executive Director may decide to invite also other eligible applicants.

##### (c) Assessment centre

All applicants invited to the interviews with the Executive Director and the other members shall take part in an assessment centre, unless they have already taken part in such an assessment centre in the course of the two

## **Europol Unclassified – Basic Protection Level**

years preceding the closing date for the receipt of applications. If an applicant has taken part in an assessment centre within this two-year period, but not within the 18 months preceding the closing date for the receipt of applications, he may at his request be admitted to the assessment centre.

The assessment centre shall evaluate the applicants' potential and shall provide an in-depth analysis of managerial skills, adaptability and other core competencies. It shall comprise individual and/or group exercises as well as in-depth interviews focussed on management skills. The result of the assessment centre shall be taken into consideration by the appointing authority.

- (d) Interviews conducted by the Executive Director and the members mentioned in point (b).

The Executive Director and the members mentioned in point (b) shall interview the invited applicants.

2. Without prejudice to Article 27(1) of the present Decision, articles 1, 2 and relevant provisions of Article 3 of Annex II to the GIPs on temporary staff 2(f) shall apply.
3. As regards the minimum number of professional experience corresponding to each grade, at least two years should have been acquired as a manager.

### *Article 28: Engagement*

Article 22 of the GIPs on temporary staff 2(f) shall apply.

## **SECTION 4. COMMON PROVISIONS CONCERNING THE APPLICATION OF ARTICLE 8(1) OF THE CEOS**

### *Article 29: Duration of contracts*

Article 26 of the GIPs on temporary staff 2(f) shall apply.

## **SECTION 5. TRIAL PERIOD**

### *Article 30: Trial period*

1. Article 17 of the present Decision shall apply to temporary agents recruited to occupy restricted posts, except paragraph 5 which shall be replaced as follows:

"Final assessment for temporary agents recruited to occupy restricted posts already in service

The final assessment shall be drawn up no later than one month before the expiry of the management trial period. This final assessment shall provide a formal opportunity to make a definitive judgement as to whether the temporary staff has the necessary managerial ability and can remain in his function.

Where, during the management trial period, a temporary staff member is prevented, by sickness, maternity leave under Article 58 of the Staff Regulations<sup>15</sup> or accident, from performing his duties for a continuous period of at least one

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<sup>15</sup> Applicable to temporary staff by virtue of Article 16 of the CEOS.

## **Europol Unclassified – Basic Protection Level**

month, the Executive Director, may, after hearing the temporary staff member, extend the management trial period by the corresponding length of time. The total length of this period shall in no circumstances exceed 15 months.

The final assessment shall be communicated to the probationer head of unit, who shall have the right to submit his comments in writing within a period of eight working days.

In case of a reassignment, if the trial management period is deemed to have been unsuccessful, the Executive Director, shall propose, subject to establishment plan availabilities and the technical profile of the probationer head of unit, reassignment to a non-management function.

The Executive Director shall take the final decision, after hearing the temporary staff concerned and consulting the rapporteur”.

### **SECTION 6. A CAREER IN MIDDLE MANAGEMENT**

#### *Article 31: Voluntary opt-out*

A head of unit may opt out from a management function at any stage during his career, either by applying for an adviser, senior expert or administrator function (following the publication of this function) or by requesting to be reassigned to a non-management function in the interest of the service (under Article 7(1) of the Staff Regulations). He shall continue to be entitled to the benefit provided for in the second paragraph of Article 44 of the Staff Regulations for a period of one year.

#### *Article 32: Reassignment to a non-management function*

Heads of unit may be reassigned to a non-management function whilst keeping their grade. Reassignment to a non-management function shall be possible in the following cases.

1. Insufficient managerial ability as a head of unit

(a) In cases of a reassignment, reassignment following the trial period.

A newly appointed head of unit may be reassigned to a non-management function in accordance with Article 30(2).

(b) Reassignment at any stage during a managerial career.

A procedure for reassignment to a non-management function may be launched by the Executive Director if the performance of a head of unit or his managerial performance has been evaluated as unsatisfactory in the last annual report provided for in Article 43 of the Staff Regulations. It must be launched by the Executive Director if the performance or managerial performance has been evaluated as unsatisfactory in two of the last three annual reports. Furthermore, the procedure may be launched by the Executive Director in exceptional and duly justified cases.

Procedure to be followed:

Before a decision is taken, the case shall be further assessed by the rapporteur who shall issue an opinion in which it may:

- whenever possible, suggest that the temporary staff be offered another management function. In this case, the temporary staff

## **Europol Unclassified – Basic Protection Level**

could be offered additional training related to possible deficiencies in management ability;

- confirm that the temporary staff be reassigned to a non-management function.

Final decision: following the opinion of the rapporteur, the Executive Director shall take the final decision, after hearing the temporary staff concerned.

2. Reassignment in case of revision of the organisation chart:
  - (a) Where the function occupied by a head of unit ceases to exist as a consequence of a revision of the organisation chart of the Agency, the Executive Director may, after having examined the possibilities of to a vacant head of unit function in the Agency, reassign him to a non-management function.
3. In the cases referred to in paragraph 2, the temporary staff concerned shall be heard before the decision on the reassignment is taken. The temporary staff concerned shall continue to be entitled to the benefit provided for in the second paragraph of Article 44 of the Staff Regulations for a period of one year.

### **CHAPTER IV**

#### **Section 1. Final provisions**

##### *Article 33: Final provisions*

1. Commission Decision C(2016)3288 does not apply by analogy to Europol.
2. The Human Resources Unit shall be responsible for monitoring the implementation of this Decision.

##### *Article 34: Date of effect*

This Decision shall take effect on the day following that of its adoption.

Done at The Hague, on 04 October 2019

For the Management Board



Mr Andrei Linta  
Chairperson

**ANNEX**

**COMPETENCIES REQUIRED TO APPLY FOR A MIDDLE MANAGEMENT POST**

The list below further details the essential competencies middle managers need to have, acquire or develop, including essential people management skills, in order to perform effectively in their functions and to ultimately enhance organisational performance.

**1. THESE REQUIRED CORE COMPETENCIES ARE:**

- General *management* skills, including:
  - The ability to set and revise objectives for the unit within the overall strategic framework and priorities of the Agency;
  - The ability to determine and focus on priorities and to monitor and evaluate the progress made towards achieving the unit's and team members' objectives set, in cooperation with the members of the team;
  - The ability to organise, assign and manage the unit's work among the members of the team and to set them challenging but realistic objectives;
  - The ability to empower members of the team while ensuring that they understand what is expected of them and how their work contributes to the unit's objectives;
  - The ability to choose co-workers and to build strong teams with complementary strengths suited to the efficient pursuit of the unit's objectives;
  - The ability to motivate members of the team to achieve the desired results and also to provide regular feedback, acknowledge success and the need for improvement in order to enable them to achieve their objectives and greatest potential;
  - The ability to develop and support career development and learning opportunities for the members of the team.
- Communication skills
  - The ability to communicate clearly and present complex subjects simply, both orally and in writing, including to the members of the team;
  - The ability to solicit inputs from and listen to staff, partners, and stakeholders.
- Interpersonal skills
  - The ability to deal with people effectively, respectfully and courteously;
  - The ability to build productive and cooperative working relationships with hierarchy and other units and colleagues;
- Negotiation skills
  - The ability to steer discussions and generate the best possible results without compromising productive working relationships with the other parties involved;

## **Europol Unclassified – Basic Protection Level**

- Previous mobility within the institution
  - Proven ability to carry out the functions in different environments and/or overall knowledge of the institution, gained notably through inter-agency mobility, should constitute an important advantage and might be deemed essential for the appointment to certain head of unit posts.

### **2. TECHNICAL QUALIFICATIONS INCLUDE POINTS OF THE FOLLOWING TYPE:**

- Familiarity with administrative, financial and oversight issues
  - temporary staff must have a good knowledge of the administrative and financial circuits within the Agency and, ideally, experience of them. A high degree of competence in handling budgetary resources and/or in organising work, resources and procedures to achieve operational efficiencies and value for money could be of key importance, depending on the post in question.

### **3. SPECIALIST KNOWLEDGE COMPRISES POINTS SUCH AS:**

- Knowledge of EU policies, languages, legislation and programmes, particularly those relevant to the post in question
  - Occupying a head of unit post efficiently and effectively requires possession of these competencies to a high degree. The relative weighting of the various elements will depend largely on the particular features of each post.