



The Hague, 1 May 2017

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RULES FOR THE SELECTION, EXTENSION OF THE TERM OF OFFICE AND REMOVAL FROM OFFICE OF THE EXECUTIVE DIRECTOR AND DEPUTY EXECUTIVE DIRECTORS

THE MANAGEMENT BOARD OF EUROPOL,

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)¹ (hereinafter referred to as the "Europol Regulation") and in particular Articles 11(1)(i) and (j), 54 and 55 thereof,

Having regard to the Staff Regulations of Officials of the European Union (hereinafter referred to as the "Staff Regulations") and the Conditions of Employment of Other Servants of the European Union (hereinafter referred to as the "Conditions of Employment of Other Servants"), as laid down by Council Regulation (EEC, EURATOM, ECSC) n° 259/68 and last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and the Council of 22 October 2013² and in particular Article 12 and Chapter 9 of Title II of the Conditions of Employment of Other Servants,

Having regard to Commission Decision SEC(2009) 27/2 of 12 January 2009 containing Guidelines on the selection and appointment of directors of regulatory agencies, executive agencies and joint undertakings,

Having regard to the Management Board rules of procedure,

After consultation of the Staff Committee of Europol and in agreement with the European Commission pursuant to Article 110(2) of the Staff Regulations,

Whereas:

- (1) The Management Board shall adopt internal rules regarding the procedure for the selection, extension of the term of office and removal from office of the Executive Director and Deputy Executive Directors, including rules on the composition of the selection committee which ensure its independence and impartiality.
- (2) The Management Board shall propose to the Council a shortlist of candidates for the posts of Executive Director and Deputy Executive Directors and, where relevant, may propose to the Council that their term of office be extended or that they be removed from office.
- (3) It is desirable to adopt procedures analogous to those set out in the

¹ OJ L 135, 24.05.2016, p. 53

² OJ L 287, 29.10.2013, p. 15

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Commission Decision SEC(2009) 27/2 of 12 January 2009.

- (4) The aim of selection procedures is to identify the best qualified candidates for the post to be filled.
- (6) Europol is an equal opportunities employer,

HAS ADOPTED THE FOLLOWING RULES:

CHAPTER 1 GENERAL PROVISIONS

Article 1

1. These Rules shall apply to the selection, extension of the term of office and removal from office of the Executive Director and Deputy Executive Directors as referred to in Articles 54 and 55 of the Europol Regulation.
2. Where the Executive Director is temporarily unable to exercise the functions of his office or where the position of Executive Director is vacant, his functions shall be exercised by a Deputy Executive Director. For this purpose the Management Board shall indicate the order of replacement.
3. Any reference in these Rules to a person of the male sex shall be deemed also to constitute a reference to the female sex and vice-versa, unless the context clearly indicates otherwise.

CHAPTER 2 SELECTION PROCEDURES

Article 2

The selection procedure shall observe the principles enshrined in Article 12(1) of the Conditions of Employment of Other Servants.

Article 3

1. The posts of Executive Director or Deputy Executive Directors are deemed vacant:
 - (a) as from nine months before the end of their respective term of office, unless the Management Board has decided to initiate the procedure foreseen in Article 11(2) of these Rules.
 - (b) upon receipt by the Council of a letter of resignation,
 - (c) upon a decision by the Council to remove the Executive Director or Deputy Executive Director from office or otherwise terminate their service in accordance with Chapter 4 of these Rules,
 - (d) as from nine months before the date on which the Executive Director or Deputy Executive Director reaches the age of automatic retirement and no decision has been taken to extend the date of retirement,

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- (e) upon the death of the Executive Director or Deputy Executive Director.
2. For each vacant post, a vacancy notice shall be drawn up by the Management Board. For the post of Deputy Executive Director, the vacancy notice shall be drawn up by the Management Board after having consulted the Executive Director.
 3. The vacancy notice shall set out in clear and detailed terms the following elements:
 - (a) a general description of Europol's objectives and tasks as laid down in the Europol Regulation,
 - (b) a description of the main functions and duties of the Executive Director or Deputy Executive Director with appropriate references to the relevant provisions of the Europol Regulation,
 - (c) the eligibility criteria that have to be fulfilled by every candidate,
 - (d) the profile of the post including any attributes that are considered relevant to the function and which are subsequently used as selection criteria,
 - (e) an overview of the selection and appointment procedure,
 - (f) the terms and conditions of employment, including the grade at recruitment, the nature of the contract offered and the duration of the term of office,
 - (g) the modalities and closing date for submitting applications, in accordance with paragraph 5.
 4. The selection process shall include an assessment to test the specific competencies and skills of candidates.

The Management Board shall specify the characteristics and modalities of the assessment for each vacant post and may decide to have recourse to an external assessment centre.

5. The vacancy notice shall indicate that candidates must submit their applications in writing, either in paper format or electronically via the e-recruitment system, if the latter is available. Applications shall be accompanied by a detailed curriculum vitae, a letter of motivation and the appropriate character references as to their suitability for the performance of the duties pertaining to the vacant post, and sent to the Chairperson of the Management Board within six weeks of the date of publication of the vacancy notice in the *Official Journal of the European Union*.

The vacancy notice shall also provide information on the security screening to be applied to the successful candidate.

6. Europol shall send an acknowledgement of receipt to the applicants.

Article 4

1. The Management Board shall ensure that the vacancy notice referred to in Article 3(2) is published in the *Official Journal of the European Union* and in other media, including national newspapers and specialised periodicals, to achieve maximum exposure in all Member States.

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2. Europol shall inform the Europol National Units of a vacancy for a post of Executive Director or Deputy Executive Director. The Europol National Units shall inform the relevant competent authorities of the Members States of the vacancy. The competent authorities shall be responsible for ensuring that the vacancy is brought to the attention of their departments and all the personnel concerned.

Article 5

1. The Management Board shall set up a selection committee (hereinafter referred to as "the Committee") which shall assess the applications received and draw up a duly reasoned report to be submitted to the Management Board in accordance with Article 6 of these Rules.
2. For the post of Executive Director, the Committee shall be composed of a Commission representative and of six members representing the Member States, which shall be determined by drawing of lots by the Management Board.
3. For the post of Deputy Executive Director, the Committee shall be composed of a Commission representative, five members representing the Member States, which shall be determined by drawing of lots by the Management Board, and the Executive Director.
4. If a member of the Committee designated pursuant to paragraphs 2 or 3 cannot participate in the work of the Committee, he shall be replaced by another Commission representative or another representative of the Member State in question.
5. The members of the Committee shall not participate in the procedure laid down in Article 8 of these Rules.
6. Where there is reason to believe that a member of the Committee has a personal relationship with one of the candidates, or where any other potential conflict of interest could arise, he shall not participate in the work of the Committee and shall be replaced by another Commission representative or another representative of the Member State in question.
7. The secretariat of the Management Board shall provide the secretariat of the Committee.

Article 6

1. At its first meeting, the Committee shall choose a chairperson from among its members.
2. The Committee may be assisted by an external human resources consultant for the performance of its tasks if so decided by the Management Board at its own initiative or upon request of the Committee. The external human resources consultant shall not have the status of member of the Committee.
3. The tasks of the Committee shall include:

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- (a) identifying all candidates who, on the basis of the criteria set out in the vacancy notice, are eligible for the post,
 - (b) making an initial assessment of the applications of eligible candidates taking into account their professional qualifications, skills, experience and character references in order to decide which ones should be further assessed by the Committee,
 - (c) organising an assessment of candidates in accordance with Article 3(4) of these Rules,
 - (d) interviewing candidates with a view to assessing their qualifications and skills against the criteria set out in the vacancy notice, and
 - (e) drawing up a duly reasoned report on the applications received and the procedure followed, including:
 - (i) the list of eligible candidates indicating among them those interviewed by the Committee,
 - (ii) a list of candidates, ranked in order of merit, who meet all the eligibility criteria and are considered to match best the selection criteria set out in the vacancy notice.
4. The work of the Committee shall be fully documented notably by using evaluation sheets established in accordance with the criteria set out in the vacancy notice and any additional guidelines received from the Management Board. The evaluation sheets and a summary of the overall conclusions of the Committee on each candidate shall be attached to the application files.
 5. The results of any work carried out on behalf of the Committee by its secretariat, by one or more of its member or by an external assessment centre or human resources consultant shall be submitted to the Committee for its review and endorsement.
 6. The decision of the Committee establishing the report shall be signed by its chairperson and another member of the Committee.
 7. The chairperson of the Committee shall forward to the Management Board, as soon as possible after the interviews have been held, the report drawn up by the Committee as well as the full application file of interviewed candidates.

Article 7

1. The proceedings of the Committee shall be held in The Hague unless otherwise decided by the Management Board.
2. Travel and subsistence expenses, including hotel accommodation, shall be reimbursed to the members of the Committee and to the candidates invited to the tests and interviews in accordance with the applicable rules.

Article 8

1. The Management Board shall invite the chairperson of the Committee to explain the procedure carried out and present the report of the Committee.
2. The Management Board may decide to interview the candidates on the ranked list of the Committee and any other eligible candidate interviewed by it.

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3. On the basis of the report submitted by the Committee and, where applicable, the results of the interviews held in accordance with paragraph 2, the Management Board shall adopt a reasoned opinion:
 - (a) presenting the list of eligible candidates,
 - (b) setting out a shortlist of at least three suitable candidates ranked in order of merit, and
 - (c) confirming that the applicants on the shortlist meet the conditions of engagement provided for in Article 12(2), points (a)-(c) and (e), of the Conditions of Employment of Other Servants and the eligibility criteria set out in the vacancy notice, notwithstanding the specific provisions foreseen in Article 13 of the Conditions of Employment of Other Servants regarding the medical examination.
4. If a member of the Management Board is on the list of eligible candidates, or where any other potential conflict of interest could arise, he shall not be present when the opinion of the Management Board is drawn up.
5. The Chairperson of the Management Board shall forward the opinion of the Management Board, including the proposed shortlist of candidates and the full application file of each shortlisted candidate, to the Council to enable the latter to take its decision as foreseen in Article 54(2) of the Europol Regulation.
6. Before appointment, the candidate selected by the Council may be invited to appear before the competent committee of the European Parliament, which shall subsequently give a non-binding opinion.
7. Pursuant to Article 13 of the Conditions of Employment of Other Servants, the candidate selected by the Council shall undergo a medical examination before his appointment.

Article 9

Once the appointment has been made by the Council, every candidate who applied for the post shall receive a formal notification of the outcome of the procedure from the secretariat of the Committee. The three-month time limit for lodging a complaint pursuant to Article 90(2) of the Staff Regulations shall run from the date of notification of this letter.

Article 10

1. The proceedings of the Committee and of the Management Board shall be secret.
2. The members of the Committee as well as the members of the Management Board and any Europol staff or personnel of any external assessment centre or human resources consultant involved in the selection procedure shall maintain the strictest confidentiality with regard to the work carried out.

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CHAPTER 3 EXTENSION OF THE TERM OF OFFICE

Article 11

1. The term of office of the Executive Director and of the Deputy Executive Directors shall be four years, in accordance with Articles 54(3) and 55(2) of the Europol Regulation.
2. At the latest twelve months before the end of the first term of office of the Executive Director or Deputy Executive Director, the Management Board may decide to derogate from the procedure established in Chapter 2.
3. In such cases, the Management Board shall draw up a proposal advising the Council to extend the term of office in accordance with Articles 54(4) or 55(2), respectively, of the Europol Regulation.

This proposal shall be supported by an assessment undertaken by the Commission, in association with the Management Board, taking into account:

- (a) an evaluation of the performance of the Executive Director or Deputy Executive Director, and
- (b) Europol's future tasks and challenges.

The proposal of the Management Board concerning a Deputy Executive Director shall be drawn up after having consulted the Executive Director.

4. The Management Board shall inform the European Parliament if it intends to propose to the Council that the term of office of the Executive Director or of the Deputy Executive Director be extended.

CHAPTER 4 TERMINATION OF SERVICE

Article 12

Apart from cessation on death or the end of term of office, the service of the Executive Director or Deputy Executive Director shall cease, in accordance with Article 47(a) of the Conditions of Employment of Other Servants, at the end of the month in which the person concerned reaches the age of automatic retirement.

Article 13

1. The Executive Director or Deputy Executive Director who wishes to resign before the end of his term of office shall state unequivocally in writing his intention to leave the service of Europol, indicating the date on which his resignation should take effect in accordance with Article 47(b)(ii) of the Conditions of Employment of Other Servants.
2. The letter of resignation shall be addressed to the Council, with a copy to the Chairperson of the Management Board and to the Executive Director in the case of the resignation of a Deputy Executive Director.

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Article 14

1. Pursuant to Article 47(b) of the Conditions of Employment of Other Servants and upon a proposal of the Management Board, the Council may decide to remove the Executive Director or Deputy Executive Director from office following the period of notice and in accordance with the other conditions referred to under point (ii) or (iii) of Article 47(b).
2. Pursuant to Article 48(a) or (b) of the Conditions of Employment of Other Servants and upon a proposal from the Management Board, the Council may decide to remove the Executive Director or Deputy Executive Director from office without notice.
3. The European Parliament shall be informed about the decision of the Council referred to in paragraphs 1 and 2.

Article 15

1. Pursuant to Article 50 of the Conditions of Employment of Other Servants, should the Management Board find that, at the time of his selection or appointment, the Executive Director or Deputy Executive Director had deliberately supplied false information as to either his professional ability or the requirements of Article 12(2) of the Conditions of Employment of Other Servants and that the false information supplied was a determining factor in his selection or appointment, the person concerned shall, upon a proposal from the Management Board, be removed from office by the Council without notice. The Council shall, after hearing the person concerned, and after the disciplinary procedure referred to in Article 16(2) of these Rules has been followed, declare that his employment is terminated. The European Parliament shall be informed about such decision.
2. Before his removal from office the Executive Director or Deputy Executive Director concerned may be suspended; the former by the Management Board and the latter by the Executive Director, in accordance with Article 50(2), second subparagraph, of the Conditions of Employment of Other Servants and Articles 23 and 24 of Annex IX to the Staff Regulations.

Article 16

1. Any intentional or negligent failure by the Executive Director or Deputy Executive Director to comply with his obligations under the Europol Regulation or the Conditions of Employment of Other Servants shall render him liable to disciplinary action in accordance with Article 50a of the Conditions of Employment of Other Servants, Title VI of the Staff Regulations and, where applicable, Annex IX to the Staff Regulations.
2. Disciplinary proceedings shall be initiated and take place in accordance with Annex IX to the Staff Regulations.

Article 17

1. After the disciplinary procedure provided for in Annex IX to the Staff Regulations has been followed, on a proposal of the Management Board, the

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Council may decide to remove the Executive Director or Deputy Executive Director from office, without notice, on disciplinary grounds, in accordance with Article 49 of the Conditions of Employment of Other Servants, in serious cases of intentional or negligent failure of the Executive Director or Deputy Executive Director concerned to comply with his obligations.

Before his removal from office, the Executive Director or Deputy Executive Director concerned may be suspended, the former by the Management Board and the latter by the Executive Director, in accordance with Article 49(1), second subparagraph, of the Conditions of Employment of Other Servants and Articles 23 and 24 of Annex IX to the Staff Regulations.

2. Upon receipt of the report from the Disciplinary Board referred to in Article 18 of Annex IX to the Staff Regulations, the Management Board shall decide whether a proposal is to be submitted to the Council with a view to removing the Executive Director from office, in accordance with Article 54(7) of the Europol Regulation. In such cases, the Management Board shall deliver, within one month of the date of receipt of the report of the Disciplinary Board, a duly reasoned proposal whether the facts complained of are established and as regards the penalty to which these facts should give rise. Before drawing up its proposal, the Management Board shall give the Executive Director the opportunity to be heard. The Chairperson of the Management Board shall forward the proposal to the Council, as foreseen by Article 54(7) of the Europol Regulation, and a copy thereof to the Executive Director.

Should the Management Board decide that no such proposal is to be submitted to the Council, it shall have the right to impose one of the penalties foreseen in Article 9(1) of Annex IX to the Staff Regulations other than the removal of the Executive Director from office. If the penalty considered to be imposed has the effect that the person concerned no longer has the required grade to exercise his functions, the Council shall decide on such penalty. After hearing the Executive Director, the Management Board shall take its decision as provided for in Articles 9 and 10 of Annex IX to the Staff Regulations within two months of the date of receipt of the opinion of the Disciplinary Board. Reasons must be given for the decision.

3. In case of disciplinary proceedings against a Deputy Executive Director, the Executive Director shall, upon receipt of the report from the Disciplinary Board referred to in Article 18 of Annex IX to the Staff Regulations and without undue delay, submit to the Management Board a duly reasoned draft proposal whether the facts complained of are established and as regards the penalty to which these facts should give rise.

The Management Board shall decide whether a proposal is to be submitted to the Council with a view to removing the Deputy Executive Director concerned from office, in accordance with Articles 54(7) and 55(2) of the Europol Regulation. Before drawing up its proposal, the Management Board shall give the Deputy Executive Director concerned the opportunity to be heard. The proposal of the Management Board shall be delivered within one month of the date of receipt by the Executive Director of the report of the Disciplinary Board. The Chairperson of the Management Board shall forward the proposal to the Council as envisaged by Article 54(7) of the Europol Regulation, and a copy thereof to the Deputy Executive Director concerned.

Should the Management Board decide that no such proposal is to be submitted to the Council, the Executive Director shall have the right to impose one of the penalties foreseen in Article 9(1) of Annex IX to the Staff

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Regulations other than the removal of the Deputy Executive Director concerned from office. After hearing the Deputy Executive Director concerned, the Executive Director shall take his decision as provided for in Articles 9 and 10 of Annex IX to the Staff Regulations, within two months of the date of receipt of the opinion of the Disciplinary Board. Reasons must be given for the decision.

4. Upon receipt of the proposal of the Management Board, as referred to in paragraphs 2 or 3 of this Article, the Council shall, after having heard the Executive Director or Deputy Executive Director concerned, decide whether to remove the Executive Director or the Deputy Executive Director concerned from office in accordance with Article 9(1)(h) of Annex IX to the Staff Regulations.

Should the Council decide to remove the Executive Director or the Deputy Executive Director concerned from office, it shall indicate in its decision the precise nature of the measure as well as the date from which the measure is to be applied. The decision shall be duly reasoned and shall be notified to the person concerned and to Europol. The European Parliament shall be informed about the decision of the Council.

A decision of the Council to remove the Executive Director or Deputy Executive Director concerned from office pursuant to Article 9 of Annex IX to the Staff Regulations shall be taken within two months of the date of receipt of the opinion of the Disciplinary Board referred to in Article 18 of Annex IX to the Staff Regulations.

5. Should the Council decide not to remove the Executive Director or Deputy Executive Director concerned from office, in accordance with Article 9(1)(h) of Annex IX to the Staff Regulations, the matter shall be referred back to the Management Board in the case of the Executive Director or to the Management Board and to the Executive Director in the case of a Deputy Executive Director.

If the case of the Executive Director is referred back to the Management Board, the latter shall have the right to impose one of the penalties foreseen in Article 9(1) of Annex IX to the Staff Regulations other than the removal from office. After hearing the Executive Director, the Management Board shall take its decision without undue delay. Reasons must be given for the decision.

If the case of a Deputy Executive Director is referred back to the Management Board and to the Executive Director, the latter shall have the right to impose one of the penalties foreseen in Article 9(1) of Annex IX to the Staff Regulations, other than the removal from office. After hearing the Deputy Executive Director concerned, the Executive Director shall take his decision without undue delay. Reasons must be given for the decision.

CHAPTER 5 FINAL PROVISIONS

Article 18

1. These Rules shall enter into force on the same day as the date of application of the Europol Regulation.

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2. The Decision of the Management Board of Europol of 4 June 2009 establishing the rules on the selection, extension of the term of office and dismissal of the Director and Deputy Directors of Europol (2009/1011/JHA) is hereby repealed and replaced by these Rules.
3. Within three years following their entry into force, these Rules shall be evaluated by the Management Board.

Done at Valletta on 1 May 2017
For the Management Board,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Arie IJzerman'.

Arie IJzerman
Chairperson