

EUROPEAN EXTERNAL ACTION SERVICE



GREFFE

**Decision of the High Representative of the Union for Foreign Affairs
and Security Policy**

of 01/07/2021

on the periodic serving of Officials and Temporary Agents in Union Delegations

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THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY,

Having regard to Council Decision of 26 July 2010 establishing the organisation and the functioning of the European External Action Service ¹ (hereinafter referred to as 'the EEAS'), and in particular Article 6(10) 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 CEOS') laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 ², and in particular Article 29 and Article 2 of Annex X of the Staff Regulations and Article 10(5) of the CEOS,

After consultation of the Staff Committee,

Whereas:

- (1) The EEAS runs a wide network of Union Delegations and it is necessary to determine rules for serving on posts in these delegations;
- (2) The EEAS staff are subject to mobility and, in principle, they should periodically serve in Union Delegations. Therefore, it is necessary to lay down the procedure for implementing the obligation of EEAS staff to periodically serve in Union Delegations;
- (3) Serving periodically in Union Delegations allows EEAS staff to experience a variety of assignments and to be exposed to different cultures and conditions on the ground, which is an asset for their personal and professional development;
- (4) The temporal limitation of an assignment to a Union Delegation and the compulsory alternation of postings is justified also by the fact that staff members and their family members making up their respective households enjoy diplomatic privileges and immunities as long as they are not permanently resident in the receiving state;
- (5) Equal opportunities policies shall be pursued while ensuring that selection procedures are transparent and based on merit.

(1) OJ L 201, 3.8.2010

(2) OJ L 56, 4.3.1968, p. 1

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HAS DECIDED AS FOLLOWS:

Article 1 - Scope

This Decision sets out the rules for officials and temporary agents under Article 2 point (e) of the CEOS to be assigned or appointed to an EEAS post in a Union Delegation or for organising their return from a post in a Union Delegation (mobility procedure).

The provisions of this Decision are without prejudice to the power of the Appointing Authority to reassign an official or a temporary agent in the interest of the service.

Article 2 – Definitions

For the purposes of this Decision, the following definitions apply:

1. 'Union Delegation' means a delegation or representative office of the European Union to a third country or to an international organisation, in the meaning of Article 221 of the Treaty on the Functioning of the European Union.
2. 'Posting' means an assignment to an EEAS post in a Union Delegation.
3. 'Rotation exercise' means the exercise of moving officials and temporary agents between postings or between a posting and headquarters through a collective exercise usually conducted on a yearly basis, which includes the filling of posts through the 'mobility procedure' under Article 2 of Annex X.
4. 'Management posts in Delegations' means posts of heads of delegation and deputy heads of delegation which are classified at the level of head of unit, director or director-general or other posts which have been classified as 'management posts' for the purposes of this decision by the Director responsible for human resources.
5. Any references to the 'Appointing Authority' in this Decision shall be deemed also to constitute a reference to the 'Authority Authorised to Conclude Contracts'.

Article 3 - Obligation to serve in a Union Delegation

1. In principle, all EEAS staff shall periodically serve in Union Delegations.
2. After a consecutive period of no more than twelve years in headquarters, EEAS AD officials should be assigned to a post in a Union Delegation. For this purpose, they shall be automatically included in the rotation exercise unless a derogation is granted by the Director responsible for human resources on justified grounds, taking into account in particular the interest of the service and certain specialised profiles.
3. EEAS officials in the assistant function group (hereinafter "AST") and in a secretary and clerk function group (hereinafter "AST/SC") are not required to serve in a Union Delegation but shall be encouraged to do so.

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Article 4 - Duration and sequence of postings

1. The duration of postings shall be decided by the Director responsible for human resources after considering the allowance for living conditions determined in accordance with Article 10 of Annex X to the Staff Regulations and geopolitical factors relevant to that posting. The duration shall be no more than four years. The duration of postings where staff is confined in a compound shall not exceed two years. The duration shall be indicated in the letter of intent to recruit.
2. The Appointing Authority may shorten or extend the duration of that assignment by no more than one year, on its own initiative in the interest of the service and after hearing the concerned staff member, or upon justified request from the staff member concerned, in particular due to modifications to the allowance for living conditions referred to in the previous paragraph. A final extension may be exceptionally granted in the interest of the service, after hearing the staff member concerned. Extensions under this paragraph shall be granted within the limit of no more than six years and three months per posting.
3. Officials shall serve in Union Delegations for no more than two consecutive postings. In the interest of the service, the Appointing Authority may exceptionally authorise a third consecutive posting, on condition that the total duration of the assignment to Union Delegations, including the duration of an exceptional third consecutive posting, shall not be superior to 12 years and three months. After two, or exceptionally three, postings, the official shall return to headquarters.

Article 5 – Filling posts in Delegation

1. Posts in Delegation shall be filled through the rotation exercise or ad hoc selection procedures.
2. In accordance with Article 2 of Annex X of the Staff Regulations, and taking account of the principle under Article 3(1), the Appointing Authority may decide in the interest of the service to transfer an EEAS official or temporary agent to or from a post in Delegation without publication of the post.
3. In the interest of the service, selection procedures under this Decision may be terminated at any stage and the Appointing Authority may decide to reorganise its services by a reassignment of posts.

Article 6 - Eligibility

1. Further to the conditions determined for each post in the vacancy notice, candidates for a posting shall:
 - not have any conflict of interest such as to impair their independence if selected for the post. To this end, the candidates shall submit with their application a form declaring that they are free from any such conflict and detailing any actual or potential conflict of interest. This form shall also contain information on the nationalities, professional activities and other relevant facts concerning the spouse of the candidate or dependents living in the same household with the candidate;
 - have the capacity to work in the CFSP working languages (English and French).

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2. Without prejudice to exemptions authorised by the Appointing Authority for exceptional and justified reasons, an official or temporary agent applying for a posting shall be subject to the following conditions:
 - a. the candidate shall be in a position to serve the full duration of the posting within the duration of their service with the EEAS or before reaching the age of retirement foreseen under Article 52(a) of the Staff Regulations³;
 - b. the candidate serving in a posting at the time of the application is eligible for a new posting if they are included in the rotation or mobility exercises or if the last day for submitting the applications for the vacancy notice is less than six months from the end of their ongoing posting;
 - c. the candidate shall have served a minimum of two years in headquarters after return from two consecutive postings;
 - d. the candidate is not eligible for posts/functions to which they have already been assigned in the same Delegation;
 - e. the candidate is not eligible for a posting in a Delegation in which they have already served unless a minimum of two years would have elapsed between the start of the new posting and the end of a previous posting in that Delegation;
 - f. the candidate is not eligible for a third posting to the same Delegation, irrespective of the functions;
 - g. the candidate is not eligible for a non-family, compound-confined posting unless a minimum of two years would have elapsed between the start of the new posting and the end of a previous compound-confined, non-family posting.

The eligibility criteria under points (b) and (c) shall not apply when a candidate applies to a higher type of post under Section A of Annex I of the Staff Regulations.

3. Without prejudice to paragraphs 1 and 2, and without prejudice to authorisation by the Appointing Authority for exceptional reasons in the interest of the service, candidates for a management post in a Union Delegation shall:
 - have served a minimum of two years in a Union Delegation, in the office of an EU Special Representative, or in a diplomatic mission of an EU Member State;
 - have no less than two years' management experience with responsibility for at least six subordinate staff members;
 - shall not have been accredited as a diplomat to the country or international organisation of the posting at any time during the two years preceding the start date of the assignment indicated in the vacancy notice.

Article 7 – Selection

1. Selection procedures shall be transparent and based on merit, having regard to adequate gender and geographical balance, without fixed or guaranteed quotas for specific groups.
2. Without prejudice to the foregoing, the Appointing Authority may take the following subsidiary criteria into account when selecting candidates:

³ Applicable to Temporary Agents by virtue of Article 47(a) of the CEOS. Article 52(a) of the Staff Regulations shall be interpreted in accordance with Article 23 of Annex XIII of the Staff Regulations.

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- the need to assist EEAS officials to fulfil their obligations under Article 3(1);
 - the need to ensure that EEAS officials pursue a variety of assignments to widen their experience in different world regions and develop a mix of competences;
 - the principle of alternation of postings according to the level of hardship, taking into account the allowance for living conditions determined in accordance with Article 10 of Annex X of the Staff Regulations and geopolitical factors relevant to that posting;
 - requests for family unification, in particular through coordination with other EU institutions or Member States.
3. Non-selected candidates may request feedback from the chair of the selection panel. They may be accompanied by an EEAS staff representative.

Article 8 – Selection procedure for management posts in Delegations

1. The Director responsible for human resources shall launch the rotation exercise for management posts in Union Delegations. In principle, the rotation exercise for a specific year shall be launched by no later than the end of July of the preceding year. Selected candidates shall take up duties by 1 September of the year of the rotation exercise, unless otherwise agreed by the Appointing Authority.
2. The selection procedure for Head of Delegation posts shall be carried out in accordance with Article 5 of the Decision PROC HR(2011)005 of the High Representative of the Union for Foreign Affairs and Security policy of 9 March 2011, establishing and laying down the rules of procedure for the Consultative Committee on Appointments (CCA) to the European External Action Service.
3. For the purposes of the selection procedure for Deputy Head of Delegation posts classified as management posts in Delegations, the Director responsible for human resources shall appoint a selection panel consisting of three members: one representative of the European Commission, one representative of the relevant EEAS Managing Directorate and the chair. The panel shall include at least one representative of each gender and representatives from no less than two EEAS Divisions.
4. The panel shall review the eligibility of candidates. It shall then establish a list of candidates who best meet the selection criteria on the basis of the requirements of the post. These pre-selected candidates shall be invited to an interview by the panel. They may also be invited to an Assessment Centre. Based on the profile of the candidate, the performance during the interview, and any Assessment Centre results, the panel shall establish a shortlist of candidates. The reasoned recommendations of the panel shall be submitted for a decision by the Appointing Authority.

Article 9 – Selection procedure for non-management posts

1. The Director responsible for human resources shall launch the rotation exercise for non-management AD, AST and AST/SC posts. In principle, the rotation exercise for a specific year shall be launched by no later than the end of July of the preceding year and completed

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by no later than the end of January of the year of the rotation exercise. Selected candidates shall take up duties by 1 September unless otherwise agreed by the Appointing Authority. The Director responsible for human resources may decide that a selection procedure may cover simultaneously two consecutive annual rotation exercises.

2. The EEAS shall publish the vacancy notices for posts in the rotation exercise in accordance with Article 4 of the Staff Regulations. In the interest of the service, selection procedures may be terminated at any stage and the Appointing Authority may decide to reorganise its services by a reassignment of posts.
3. In the interest of the service and in particular to fulfil the objectives of Article 3, the EEAS may reserve some non-management posts for EEAS staff officials or temporary agents employed by the EEAS under Article 2 point (e) of the CEOS who are eligible for the rotation exercise at the time when it is launched. For this purpose, the EEAS shall publish an internal call for expression of interest.
4. For AD non-management posts, the selection procedure shall be conducted by a Rotation Committee. The Rotation Committee shall be composed of no less than three members including the Director responsible for human resources who shall chair the Committee. The members shall be selected by the chair upon recommendation by the EEAS services concerned by the rotation exercise. The EEAS Head of Division responsible for selection and recruitment shall be responsible for the preparatory work and secretariat of the Rotation Committee.

For the purposes of paragraph 2, the Rotation Committee shall review the eligibility of candidates. It shall then establish a list of candidates who best meet the selection criteria on the basis of the requirements of the post. These pre-selected candidates shall be invited to an interview by a selection panel appointed by the EEAS service in Headquarters to which the post under the rotation exercise reports. Each panel shall consist of no less than three officials or temporary agents engaged under Article 2 point (e) of the CEOS having the same function group as the vacant post or higher. The panel shall include at least one representative of each gender and representatives from no less than two EEAS Divisions. The panel shall report the outcome of its interviews to the Rotation Committee indicating the order of preference among the selected candidates.

For the purposes of paragraph 3, the EEAS service concerned by the rotation exercise shall examine the merits of the candidates who have expressed interest and establish a list of pre-selected candidates indicating an order of preference.

After considering the recommendations received under the preceding two paragraphs, the Rotation Committee shall submit its reasoned recommendations for decision by the Appointing Authority. Where it recommends more than one candidate for a post, it shall indicate an order of preference. In reaching its conclusions, the Rotation Committee shall prioritise the interest of the service and consider the preferences expressed by candidates for the available posts.

5. For AST and AST-SC posts in Union Delegations, the selection procedure shall be conducted by a selection panel appointed by the EEAS service concerned by the rotation

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exercise. Each panel shall consist of no less than three officials or temporary agents engaged under Article 2 point (e) of the CEOS having the same function group as the vacant post or higher. The panel shall include at least one representative of each gender and representatives from no less than two EEAS Divisions.

Separate selection panels shall be appointed for head of administration (AST) posts and for assistant posts (AST and AST-SC).

The selection panel shall review the eligibility of candidates and establish a list of candidates to be interviewed on the basis of the requirements of the post. The selection panel shall report the outcome of its interviews to the Appointing Authority indicating the order of preference among the selected candidates.

By derogation from paragraph 4, the selection procedure for head of administration (AD) posts shall be conducted in accordance with the procedures under this paragraph. A separate selection panel shall be appointed for this purpose.

Article 10 – Medical clearance

1. A candidate selected for a posting shall be assigned or appointed on condition that they are physically fit to perform their duties in the post of assignment.
2. To this end, the selected candidate shall:
 - a. submit to a medical officer designated for this purpose by the Appointing Authority a confidential form declaring medical information, which will also contain medical information on the candidate's dependents;
 - b. undergo a medical examination and complementary exams including a possible psychological examination.

Based on the outcome of the medical examination and complementary exams and taking into account the specificities of the post of assignment, the medical officer shall issue an opinion to the AIPN in order to take the appropriate decision in the exercise of its duty of care.

3. When a negative medical opinion is given as a result of the medical examination under the previous paragraph, the candidate may submit a request for the case to be submitted to a medical committee by analogy with the procedures determined under Article 33 of the Staff Regulations.

Article 11 – Security clearance

1. A candidate selected for a posting shall be assigned or appointed on condition that they are granted Personnel Security Clearance (PSC) at EU SECRET level in accordance with Decision ADMIN(2019) 7 of the Director General for Budget and Administration of the EEAS of 8 March 2019 on Security Clearance Requirements and Procedures for the European External Action Service. A selected candidate that is not in possession of the

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required PSC shall initiate the process for requesting the PSC in accordance with Article 5 of Decision ADMIN(2019) 7 within ten working days from the notification of their selection for the post.

2. For reasons of urgency, where duly justified in the interests of the EEAS and pending completion of a full PSC, the EEAS Security Authority may grant a temporary authorisation to access confidential information in accordance with the Decision ADMIN(2017)10 of the High Representative of the Union for Foreign Affairs and Security Policy of 19 September 2017 on the security rules for the EEAS⁴. However, the selected candidate accepts that, should the PSC be refused, the Appointing Authority shall take the appropriate measures under Article 3 of Decision ADMIN(2019) 7.

Article 12 – Training

1. A candidate selected for a posting may be required to undergo training to ensure that they possess the necessary competences, skills and knowledge.
2. They shall also receive instructions and may receive training on the ethical standards required from staff posted to Union Delegations.

Article 13 – Return to Headquarters

1. EEAS officials who return to headquarters from a posting shall be assigned to a post which corresponds to their grade, as a result of the internal mobility exercise for posts in headquarters or directly by a decision of the Appointing Authority in the interests of the service. EEAS officials in posting may also apply for a vacant post in headquarters if the last day for submitting the application for the post is less than six months from the end of their ongoing posting.
2. Temporary agents on a posting under Article 2, point (e), of the CEOS may, not earlier than 6 months before the end of their assignment, apply for a vacant post in headquarters or submit a request to the Human Resources Directorate to be included in the internal mobility exercise for posts in headquarters.

Article 14 – Entry into force, transitional measures and implementation

1. This Decision shall enter into force on the date following its signature.
2. For the purposes of Article 3(2), only periods of employment following the entry into force of this Decision shall be taken into account.
3. The eligibility criterion in the first indent of Article 6(3) shall not apply for the duration of five years following the entry into force of this Decision.

⁴ OJ C 126, 10.4.2018, p. 1–56

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4. The Director General responsible for budget and administration may adopt guidelines for the implementation of the rotation exercise, which shall be brought to the attention of the staff committee.

Done at Brussels, 01 July 2021.



Josep BORRELL i FONTELLES
High Representative of the Union
for Foreign Affairs and Security Policy