

ADMIN(2023) 25

EUROPEAN EXTERNAL ACTION SERVICE



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

of 10/07/2023

**on the Consultative Committee on Appointments to the European External Action
Service**

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THE HIGH REPRESENTATIVE,

Having regard to Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service¹, and in particular Article 6(8) thereof,

After consulting the Staff Committee,

Whereas:

- (1) The filling of vacant permanent posts within the establishment of the EEAS is conducted in accordance with the Staff Regulations of Officials of the European Union (hereinafter the “Staff Regulations”), in particular to Articles 4, 29, 95 and 98 thereof, and to the Conditions of Employment of Other Servants of the European Union (hereinafter the “CEOS”), in particular Articles 2e and 50b thereof;
- (2) By Decision PROC HR(2011) 005 of 9 March 2011, the High Representative established and laid down rules of procedure for a Consultative Committee on Appointments to the European External Action Service (hereinafter the “EEAS”);
- (3) It is appropriate, in the light of the experience gathered to date, to review and update the rules on the Consultative Committee on Appointments. This shall also give an opportunity to strengthen the need to take into account the overall objective of gender and geographical balance in the implementation of the Staff Regulations, especially in light of Articles 1d(2) and 27 thereof, and of Articles 6(6) and 6(8) of the Council Decision 2010/427/EU;

HAS DECIDED AS FOLLOWS:

Article 1

Establishment and functions

1. A Consultative Committee on Appointments (hereinafter the “CCA”) shall be established within the EEAS, in line with Article 6(8) of the Council Decision 2010/427/EU.
2. The CCA shall assist the Appointing Authority / Authority Authorised to Conclude Contracts of Employment of the EEAS (hereinafter the “Appointing Authority”) as regards the selection of EEAS officials and temporary agents. For this purpose, it shall carry out the following consultative functions:

¹ OJ L 201, 3.8.2010, p. 30.

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- i. Acting as the selection panel for posts corresponding to the types of posts “Director-General” or equivalent (AD 15 – AD 16) and “Director” or equivalent (AD 14 – AD 15), as referred to in Annex I, point A, to the Staff Regulations and in the relevant EEAS internal rules, and also for posts of Heads of Delegation at the level of “Head of Unit or equivalent” (AD 9 – AD 14), as referred to in the abovementioned provisions;
- ii. In the context of the yearly rotation exercise, acting as the pre-selection panel for posts of Deputy Heads of Delegation at the level of “Head of Unit or equivalent” (AD 9 – AD 14), as referred to in Annex I, point A, to the Staff Regulations and in the relevant EEAS internal rules, and for posts of Deputy Heads of Delegation which have been classified as “management posts” by the Director responsible for Human Resources in accordance with Article 2(4) of the Decision ADMIN(2021) 221 of 1st July 2021 of the High Representative of the Union for Foreign Affairs and Security Policy on the periodic serving of Officials and Temporary Agents in Union Delegations (hereinafter the “Rotation Decision”);
- iii. Providing opinions on the personnel policy of the EEAS, if so requested; and
- iv. Monitoring staffing patterns in the EEAS, in particular in relation to gender, geographical balance and the meaningful presence of nationals from all the Member States.

Article 2

Composition

1. The ‘core composition’ of the CCA shall be composed of six members as follows:
 - The Secretary-General, who shall serve as the Chairperson and who may decide to be replaced by the Director-General for Resource Management referred to in Article 4(3)(a), second indent, of the Council Decision 2010/427/EU (hereinafter the “Director-General for Resource Management”) or a Deputy Secretary-General;
 - The Director-General for Resource Management, who shall serve both as a member and as the external point of contact for the CCA. He/she may decide to be replaced by the Director responsible for Human Resources;
 - Two members who shall be designated by the Member States, in accordance with paragraph 3;
 - A member who shall be designated at the appropriate rank by the General Secretariat of the Council;
 - A member who shall be designated at the appropriate rank by the Commission.

The ‘core composition’ of the CCA shall carry out the functions referred to in:

- a. Article 1(2)(i) as regards the selection procedures for posts corresponding to the types of posts “Director-General” or equivalent (AD 15 – AD 16) and “Director” or equivalent (AD 14 – AD 15);
- b. Article 1(2)(i) as regards the pre-selection for posts of Heads of Delegation at the level of “Head of Unit or equivalent” (AD 9 – AD 14) published in the context of the yearly rotation exercise;
- c. Article 1(2)(ii);
- d. Article 1(2)(iii);
- e. Article 1(2)(iv).

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2. The ‘secondary composition’ of the CCA shall be composed of six members as follows:
 - The Director-General for Resource Management, who shall serve both as the Chairperson and as the external point of contact for the CCA. He/she may decide to be replaced by the Director responsible for Human Resources or the relevant EEAS Managing Director;
 - The relevant EEAS Managing Director. He/she may decide to be replaced by the relevant EEAS Director;
 - Two members who shall be designated by the Member States, in accordance with paragraph 3;
 - A member who shall be designated at the appropriate rank by the General Secretariat of the Council. This member may be different from the one designated for the CCA in its ‘core composition’;
 - A member who shall be designated at the appropriate rank by the Commission. This member may be different from the one designated for the CCA in its ‘core composition’.

The ‘secondary composition’ of the CCA shall carry out the functions referred to in Article 1(2)(i) as regards:

- The remaining part of the selection procedures following the pre-selection for posts of Heads of Delegation at the level of “Head of Unit or equivalent” (AD 9 – AD 14) published in the context of the yearly rotation exercise;
 - The selection procedures for posts of Heads of Delegation at the level of “Head of Unit or equivalent” (AD 9 – AD 14) published outside of the yearly rotation exercise.
3. The members representing the Member States in the ‘core composition’ of the CCA shall be designated at the appropriate rank by drawing lots in the Committee of the Permanent Representatives of the Governments of the Member States (2nd part) (hereinafter “COREPER II”) yearly. Lots shall be drawn, two for members and two for substitutes, until all Member States have been allocated positions equitably. The term of office of these members and substitutes shall be for one year. Substitutes shall be involved in all deliberations of the CCA as regards its functions referred to in Article 1(2)(iii) and (iv).

The members representing the Member States in the ‘secondary composition’ of the CCA shall be likewise designated at the appropriate rank on a rotation basis.

4. Gender parity should be sought in the composition of all panels. The composition of all panels should consist of at least one member of each gender.
5. The chair of the CCA in its relevant composition as set out in Article 2(1) and (2), after consulting the Secretary-General when appropriate, may enlist the assistance of human resources experts or other experts, if the chair considers necessary to rely on such expertise during the deliberations, including to test candidates’ knowledge or specific language skills. The experts may be invited to participate in the discussions but shall not be entitled to vote.
6. Without prejudice to the delegations foreseen in paragraphs 1 and 2, and once designated, the members of the CCA shall not be replaced, except in case of a conflict of interest determined under Article 11 or in exceptional cases. The need for a replacement shall be notified as far in advance of the meeting as possible. The non-participating member shall make a proposal for replacement to the chair of the CCA. The chair shall designate the alternate member, who shall be of an appropriate rank.

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Article 3

Assessment centres

1. Candidates for posts under Article 1(2)(i) who have been shortlisted for interview shall be required to have their management and leadership skills evaluated at an assessment centre, unless:
 - i. the candidate has already served as an EU official or as a temporary agent under Article 2(e) of the CEOS in a post of the same or equivalent level in the EEAS or in one of the EU institutions listed in Article 23 of the Treaty on the European Union; or
 - ii. the candidate has already served as Head of Delegation; or
 - iii. the candidate has previously occupied a post of Deputy Head of Delegation at the level of “Head of Unit or equivalent” (AD 9 – AD 14), as referred to in Annex I, point A, to the Staff Regulations and in the relevant EEAS internal rules, or a post of Deputy Head of Delegation which has been classified as “management post” by the Director responsible for Human Resources in accordance with Article 2(4) of the Rotation Decision; or
 - iv. the management and leadership skills of the candidate have already been assessed in the framework of a selection procedure for a post in the EEAS belonging to the same type of post in the meaning of Annex I, point A, to the Staff Regulations and of the relevant EEAS internal rules, according to Guidelines issued by the Director responsible for Human Resources. In exceptional circumstances, the Appointing Authority may determine in the vacancy notice for the said post that this condition is fulfilled by candidates whose management and leadership skills have already been assessed in the framework of a selection procedure for a post in another EU institution belonging to the same type of post in the meaning of Annex I, point A, to the Staff Regulations and of the relevant EEAS internal rules; or
 - v. a derogation is authorised in the vacancy notice by the Appointing Authority.
2. The results of the assessment centre shall have the purpose of providing the CCA with additional objective analysis of the management and leadership capabilities of candidates. These results shall be duly taken into account by the CCA but shall not be binding on it.

Article 4

Procedure for selection

1. The CCA, in its relevant composition as set out in Article 2(1) and (2), shall examine applications and assess the candidates on the basis of merit and in accordance with Article 6(6) of the Council Decision 2010/427/EU.
2. The examination of applications and assessment of the candidates for posts under Article 1(2)(i) shall be carried out in the following manner:

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- i. A pre-selection on the basis of the documents received from the candidates shall be conducted by the CCA;
- ii. Pre-selected candidates shall be invited to an interview conducted by the CCA;
- iii. Assessment centres will be used for shortlisted candidates, as appropriate, according to the procedure set out in Article 3;
- iv. Taking duly into account the profiles of the candidates, their performance during the interview and the results of the assessment centre, the CCA shall provide an opinion and a shortlist to the Appointing Authority of the candidates it considers most qualified for the post in question. The CCA, in its opinion, shall also have regard to adequate gender and geographical balance.

The opinion and shortlist of the CCA shall be submitted to the Appointing Authority. The report and its recommendations shall be advisory and not binding on the Appointing Authority.

3. For the purposes of posts under Article 1(2)(ii), the pre-selection shall be carried out by the CCA in accordance with Article 4(2)(i) and submitted to the relevant selection panel.

The rest of the selection procedure for these posts shall be carried out in accordance with Article 8 of the Rotation Decision.

Article 5

Opinions on the personnel policy of the EEAS

1. Upon request by the Secretary-General, the Director-General for Resource Management or the Director responsible for Human Resources, the CCA may provide opinions on the personnel policy of the EEAS, including on the implementation of the Staff Regulations and on any matter relating to the selection and appointment of officials assigned to the EEAS.
2. The role of the members representing the Member States in the CCA for the purpose of preparing such opinions is without prejudice to the role of the Member States in the relevant preparatory bodies of the Council.

Article 6

Monitoring of the staffing patterns in the EEAS

1. The CCA in its 'core composition' shall monitor the staffing patterns in the EEAS, in particular in relation to gender and geographical balance and the meaningful presence of nationals from all the Member States.
2. The Secretary-General shall report annually to COREPER II on the results of the monitoring carried out.

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Article 7

Secretariat

1. The Secretariat of the CCA shall be ensured by the Directorate General for Resource Management.
2. The Secretariat shall attend all meetings of the CCA in its ‘core’ and ‘secondary’ compositions.

Article 8

Quorum

The CCA shall be quorate when at least four of its members are present, including, unless exceptional circumstances prevail, the chair or his/her delegate and at least one member representing the Member States.

Article 9

Adoption of opinions

1. The CCA shall adopt its opinions during its meetings or by written procedure.
2. The CCA shall seek to reach consensus when adopting opinions or procedural decisions. Upon request by a member of the CCA, opinions or decisions may be adopted by a simple majority of the members present. The chair shall not vote, except in the event of a tie in the voting when the chair shall have a casting vote.
3. Opinions by the CCA shall not refer to the voting procedure used for their adoption.

Article 10

Confidentiality

1. The deliberations of the CCA shall be confidential. Supporting documents, including assessment centre reports, shall be classified as “Confidential - Staff matters” in accordance with the Commission Security Notice C(2019) 1903 of 5 March 2019. Personal data shall be handled in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council².
2. Members of the CCA and any person assisting the CCA shall be bound by a duty of confidentiality and may be requested to sign a declaration of confidentiality.

² Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision 1247/2002/EC (OJ L 295, 21.11.2018, pp. 39-98).

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Article 11

Conflict of Interest

1. The chair and members of the CCA shall carry out their duties and conduct themselves with the interests of the European Union in mind and shall not be involved in any matter dealt with by the CCA in which, directly or indirectly, they have any personal interest such as to impair their independence within the meaning of Article 11a(1) of the Staff Regulations.
2. If the chair or a member of the CCA has a personal interest in the meaning of paragraph 1, he or she shall refrain from participating in the deliberations or vote of the CCA with regard to that matter and he/she shall be replaced in the deliberations or vote on that matter by an appropriate alternate member designated in accordance with the procedure set out in Article 2(6).

Article 12

Meetings

1. The CCA shall meet as required upon request of its chair.
2. Invitations to the meetings of the CCA shall be sent out by the Secretariat of the CCA, if possible, at least five working days before the date of the meeting.

Article 13

Agenda

1. The chair of the CCA sets the agenda on the basis of a proposal from the Secretariat of the CCA.
2. Members of the CCA may ask for an item to be included on the agenda by submitting their proposal to the Secretariat of the CCA at least five working days before the date of the meeting. The chair may, upon a duly substantiated request, agree to waive this requirement for five days of notice. Additional agenda items may be added during the meeting, subject to the agreement of the chair and all members present.
3. The Secretariat of the CCA shall ensure that the agenda and the working documents for each meeting are sent to the members of the CCA in advance of the meeting, if possible, at least five working days before the date of the meeting.
4. The CCA may decide, by a majority of the members present, to withdraw an item from the agenda or to postpone it to a subsequent meeting.

Article 14

Minutes and opinions

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

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2. A member of the CCA may submit comments on the draft minutes to the Secretariat of the CCA, which then transmits these comments to the other members before final approval of the minutes.
3. A member of the CCA may make a statement at a meeting and request that it is included in the minutes. To this end, that member shall submit the text of the statement in writing to the Secretariat of the CCA within two working days following the meeting.
4. The opinions of the CCA shall be signed by its chair and annexed to the minutes. A copy of the minutes and its annexes shall be sent to each member of the CCA.
5. The CCA shall have access, upon request, to documents held by the CCA Secretariat pertinent to the mandate of its relevant composition.

Article 15

Rules of Procedure

On the basis of a proposal by the Director-General for Resource Management, the CCA in its 'core composition' may adopt Rules of Procedure to be applied by the CCA in its core and secondary compositions. These Rules of Procedure shall be adopted in accordance with Article 9(2).

Article 16

Final provisions

1. This Decision shall enter into force on the day following its signature.
2. This Decision repeals and replaces Decision PROC HR(2011) 005 of the High Representative of 9 March 2011 establishing and laying down Rules of Procedure for the Consultative Committee on Appointments to the European External Action Service.

Done at Brussels, 10 July 2023.



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