



Brussels, 15.6.2016
C(2016) 3288 final

COMMISSION DECISION

of 15.6.2016

on middle management staff

COMMISSION DECISION

of 15.6.2016

on middle management staff

THE EUROPEAN COMMISSION,

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

Having regard to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the Union as laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council¹, and in particular Articles 2, 4, 5, 7 and 29 thereof,

Having regard to the ‘Commission Communication on Organisation Charts of Commission DGs and Services’ adopted by the Commission on 13 February 2007²,

Having regard to the Commission Decision of 16 December 2013 on types of post and post titles³,

Whereas:

- (1) The Commission's ability to deliver on its priorities and core business depends above all on the quality and dedication of its staff. The talent management strategy of the Commission aims to ensure the best possible match between staff competencies, staff expectations and service needs in order to have the right person in the right place at the right time. The present Decision is part of this general talent management strategy.
- (2) The Commission's managers are central to the Commission'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 and people.
- (3) Given the pivotal role of heads of unit, this is an opportunity to modernise the middle management policy of the Commission. This concerns, among others, the selection procedures for head of unit functions where participation in an assessment centre should be made mandatory for pre-selected applicants.
- (4) While middle managers rather frequently move to other posts within their Directorate-General, the number of transfers from one Directorate-General to another has until now remained at a relatively low level. An increased mobility between Directorates-General would be both in the interest of the heads of unit concerned, who would be put in a position to gather new experience and to fully use their potential, and of the Institution, which would benefit from a reinforced interconnection between Directorates-General and the cross-fertilising effect of new ideas and approaches applied by the transferred heads of unit. Proven ability to carry out the functions in different environments and/or overall knowledge of the Institution, gained notably

¹ OJ L 56, 4.3.1968, p.1.

² SEC(2006) 1702 of 13 February 2007.

³ C(2013) 8979, Administrative Notice No 70-2013.

through inter-DG mobility, should constitute an important asset for management career perspectives.

- (5) In order to promote mobility and to create a market for moves of heads of unit between Directorates-General, it is appropriate to lay down the principle that heads of unit are not to stay for more than ten years in the same Directorate-General. To facilitate the implementation of this principle, the Directorate-General for Human Resources and Security should, for each Directorate-General, set targets for appointments or transfers of heads of unit from other Directorates-General and organise one or more mobility exercises each year.
- (6) Mobility between management and non-management functions should be facilitated by making it possible for officials who opted out from a middle management function to return to a head of unit function without having to undergo a new selection procedure.
- (7) The legal framework established by the present Decision will be complemented by additional measures concerning career guidance and mobility of middle managers to accompany and support them during their career, and notably at times of change. These measures will in particular include 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 officials aspiring to become middle managers.
- (8) Ultimately, it is also necessary to adapt the Commission rules on middle management staff to the revised Staff Regulations, which entered into force on 1 January 2014.

HAS DECIDED AS FOLLOWS:

SECTION 1. GENERAL PRINCIPLES

Article 1: Aims⁴

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

- decentralised procedures for the selection and appointment of middle managers;
- the role and position of heads of unit in the organisation chart as middle managers;
- 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 the Commission for the first time;
- rules regarding mobility.

This Decision shall apply to all Commission departments and departments administratively attached to the Commission.

Article 2: Middle management functions

1. Middle management functions and staff

⁴ 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.

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;
- it appears in the Commission's official organisation chart.

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, the functions of Head of Representation in the Member States⁵ as well as the functions of head of task force as referred to in Commission Decision C(2013)8979 on types of post and post titles 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.

2. As an exceptional measure, a middle management function may be filled by the engagement of a member of the temporary staff in accordance with the relevant Commission rules on temporary staff.
3. 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 sector do not appear in the Commission's official organisation chart. They are not covered by this decision.

Article 3: Appointing authority and rapporteurs

1. Appointing Authority

Except where otherwise provided for, the appointing authority powers according to this decision shall be exercised by the Director-General in charge of the official, agent or post concerned (" the Director-General concerned").

The decisions on appointments to middle management functions whose level has been fixed at AD 13/AD 14 shall be taken by the Director-General concerned by simplified procedure⁶.

2. Rapporteur

Where a function is to be filled in accordance with Article 29 of the Staff Regulations, the Director-General for Human Resources and Security shall designate a rapporteur for the procedure. The rapporteur shall be chosen from a list of 30 serving officials in grade AD 15 or AD 14 (occupying a function of Director or Principal Adviser).

⁵ Heads of Representation who occupy a function corresponding to the type of post of Director or Director-General are not covered by the present decision.

⁶ I.e. in agreement with the President and the Member of the Commission responsible for human resources.

This list of rapporteurs shall be drawn up as follows. The administration and the Central Staff Committee shall each propose 20 names of serving officials (in grade AD 15 or AD 14, occupying a function of Director or Principal Adviser). The Director-General for Human Resources and Security shall nominate 30 rapporteurs taking 15 from each proposal.

When using the list of 30 rapporteurs, the Director-General for Human Resources and Security will ensure that there is a balance between the rapporteurs proposed by the administration and those proposed by the Central Staff Committee.

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 Directorate-General or Directorate. 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 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 functions is fixed at AD 9/AD 14.
The level of a function can be fixed at AD 13/AD 14 only by the Director-General for Human Resources and Security at the request of the Director-General concerned, 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 in principle be filled by publication in accordance with Article 29 of the Staff Regulations. An official 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 when the conditions set out in Article 7(1) and Article 9(1) of this Decision are met.

Article 6: Publication of a function

If a post is to be published, the Director-General concerned shall draw up a vacancy notice and send it to the Directorate-General for Human Resources and Security for verification and publication.

The vacancy notice shall be simultaneously published for transfer and promotion, under points (i) and (iii) of Article 29(1)(a) of the Staff Regulations.

SECTION 2. FILLING HEAD OF UNIT FUNCTIONS AT LEVEL AD 9/AD 14

Article 7: Eligibility

1. In the case of reassignment to a middle management function in the interest of the service within a Directorate-General or between Directorates-General (according to Article 7(1) of the Staff Regulations), the person must:

- be an official;
- be in grade AD 9, AD 10, AD 11, AD 12, AD 13 or AD 14;
- already occupy a middle management function or have occupied such a function.

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

Reassignment shall be excluded for officials who ceased to exercise management duties due to an unsuccessful trial period (Article 11) or due to insufficient managerial ability (Article 14(1)) and for officials 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 officials;
- be in grade
 - AD 9, AD 10, AD 11, AD 12, AD13 or AD 14, or
 - AD 8 and have a seniority of at least two years in that grade;
- possess the qualifications specified in the vacancy notice;
- possess the competencies set out in the Annex to this Decision.

Article 8: Selection and appointment

1. Selection:

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

- (a) Definition of the job profile

The vacancy notice shall set out in detail the tasks and duties of the function to be filled, including those in the job description. It shall also specify the minimum qualifications and necessary competencies which applicants must possess for their applications to be taken into consideration and any other desirable qualifications or competencies.

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

Except in the specific cases set out in the guidelines referred to in Article 18(2), the Director-General concerned 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 Directorate-General. The Director-General concerned must ensure 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.

- (c) Invitation to the interviews with the Director-General concerned and the rapporteur for the procedure

The applicants on the shortlist shall be invited to an interview with the Director-General concerned and the rapporteur for the procedure. The Director-General concerned may decide to invite also other eligible applicants.

- (d) Assessment centre

All applicants invited to the interviews with the Director-General concerned and the rapporteur for the procedure 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.

- (e) Interviews conducted by the Director-General concerned and the rapporteur for the procedure

The Director-General concerned and the rapporteur for the procedure shall interview the invited applicants. In the cases where the selected applicant is to be seconded to an Executive Agency, the Director of that Agency shall attend the interviews as observer.

2. Appointment:

The steps for appointment to be followed by the appointing authority shall be as follows:

- (a) Before deciding on the appointment, the Director-General concerned shall consult the Member of the Commission responsible for the department. In the cases where the selected applicant is to be seconded to an Executive Agency, the Director-General concerned shall also consult the Director of that Agency. He shall then inform the Director-General for Human Resources and Security and the Secretary-General of the intended action.
- (b) The Director-General for Human Resources and Security or the Secretary-General may, notably on the basis of a recommendation from the rapporteur for the procedure, ask for the intended appointment to be referred to the Consultative Committee on Appointments. If such a referral is made, the appointing authority powers shall be exercised by the Member of the

Commission responsible for human resources and the Member of the Commission responsible for the department, in agreement with the President.

- (c) At the earliest three working days after the information of the Director-General for Human Resources and Security and the Secretary-General, the appointing authority shall appoint the successful applicant. The procedure is then closed. The selected candidate shall be appointed in his current grade, except for candidates in grade AD 8 who shall be appointed in grade AD 9.

SECTION 3. SPECIAL PROCEDURE FOR FILLING HEAD OF UNIT FUNCTIONS AT LEVEL AD 13/AD 14

Article 9: Eligibility

1. In the case of reassignment to a middle management function in the interest of the service within the Directorate-General or between Directorates-General (according to Article 7(1) of the Staff Regulations), the person must:
- be an official;
 - be in grade AD 13 or AD 14;
 - have already occupied a middle management function in the Institutions for at least two years.

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

Reassignment shall be excluded for officials who ceased to exercise management duties due to an unsuccessful trial period (Article 11) or due to insufficient managerial ability (Article 14(1)) and for officials 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 officials;
 - be in grade
 - AD 13 or AD 14, or
 - AD 12 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 Institutions⁷;
 - possess the qualifications specified in the vacancy notice;
 - possess the competencies set out in the Annex to this decision.

Article 10: Selection and appointment

1. Selection:

⁷ 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.

In the case of publication of a vacancy notice, the selection procedure shall be the same as for head of unit functions at grades AD 9/AD14.

2. Appointment:

The steps for appointment to be followed by the appointing authority shall be as follows:

- (a) When the interviews by the Director-General concerned and the rapporteur have been completed, the Director-General concerned shall send a full report to the Director-General for Human Resources and Security, listing the shortlisted applicants and indicating which one should in particular be taken into consideration.
- (b) The relevant documents shall then be submitted to the Consultative Committee on Appointments, which shall deliver its opinion normally by written procedure. At the request of one of its members, the Committee, after hearing the Director-General concerned and the rapporteur for the procedure, may suggest that the Director-General concerned make a broader choice among the eligible applicants.
- (c) After receiving the opinion of the Consultative Committee on Appointments, the Director-General concerned shall consult the Vice-Presidents concerned and the Member of the Commission responsible for the department on the proposed appointment. In cases where the selected applicant is to be seconded to an Executive Agency, the Director-General concerned shall also consult the Director of that Agency.
- (d) The Director-General concerned shall then inform the Director-General for Human Resources and Security and appoint the selected applicant by simplified procedure. The selected candidate shall be appointed in his current grade, except for candidates in grade AD 12 who shall be appointed in grade AD 13.

SECTION 4: TRIAL PERIOD

Article 11: 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 trial period in a previous function in the Institutions.

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 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.

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 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 a reporting officer and shall, unless the reporting officer is the Director-General concerned, 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 manager may request the Directorate-General for Human Resources and Security to designate one of the rapporteurs for the procedure to give an opinion to the Director-General concerned. The mid-term review, as confirmed or modified by the Director-General concerned after receiving this opinion, shall be considered final.

5. Final assessment for officials 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 official has the necessary managerial ability and can remain in his function.

Where, during the management trial period, an official 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 Director-General concerned may, after hearing the official, 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, who shall have the right to submit his comments in writing within a period of eight working days.

If the probation is deemed to have been unsuccessful, the Director-General concerned shall propose reassignment to a non-management function. The Consultative Committee on Appointments shall give its opinion on any proposal.

Following the opinion of that Committee, the Director-General for Human Resources and Security shall take the final decision by simplified procedure, after hearing the official concerned and consulting the Commissioner responsible for the department.

6. Final assessment for newly recruited heads of unit.

For 'probationer heads of unit' recruited following an open competition, the final assessment shall incorporate the normal probation report provided for in Article 34(3) of the Staff Regulations. 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 appointing authority relating to the probationer's conduct with regard to Title II of the Staff Regulations.

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, an official 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 Director-General concerned may, after hearing the official, 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, who shall have the right to submit his comments in writing within a period of eight working days. If it recommends dismissal or, in exceptional circumstances, extension of the management trial period in accordance with the preceding paragraph, the appointing authority shall, within three weeks, consult the Joint Reports Committee on the action to be taken.

If at the end of the process the probation is deemed to have been unsuccessful, the Director-General concerned shall propose termination of the employment. The Consultative Committee on Appointments shall give its opinion on any proposal.

Following the opinion of the Consultative Committee on Appointments, the Director-General for Human Resources and Security shall take the final decision for persons recruited externally by simplified procedure, after hearing the official concerned and consulting the Commissioner responsible for the department.

SECTION 5: A CAREER IN MIDDLE MANAGEMENT

Article 12: Mobility

By way of derogation from the guidelines on mobility⁸, the following rules on mobility shall apply.

1. Mobility is not only encouraged and taken into account for decisions on the appointment to management functions, but also compulsory for all middle management functions (sensitive or not). This shall in no way restrict the right of the appointing authority to make use of Article 7(1) of the Staff Regulations (reassignment in the interest of the service).

The mobility of heads of unit from horizontal Directorates-General to operational Directorates-General – and vice versa – is strongly recommended. Similar moves from horizontal to operational functions (and vice versa) within a given Directorate-General are also encouraged.

2. Heads of unit should in principle serve at least two years in the same function. Without prejudice to specific rules on the length of assignments to functions in Commission Representations and Union Delegations, a head of unit shall be required to change assignment within the same Directorate-General or between Directorates-General five years after taking up his duties. If there is a valid and justified reason (for example, completion of a particular task relating to the function or the imminent retirement of the official), the Director-General concerned may decide that the official shall remain in the function for another period of maximum two years. The

⁸ SEC(2002) 146, adopted by the Commission on 12 February 2002.

Director-General concerned shall inform the Directorate-General for Human Resources and Security of this decision.

3. After this period of five to seven years, a head of unit shall be obliged to move to another function, either on the basis of a selection procedure or by means of a reassignment in the interest of the service under Article 7(1) of the Staff Regulations.
4. Moreover, an official may in principle not serve for a period of more than ten years as head of unit in the same Directorate-General.
5. Paragraph 4 shall not apply to officials of 62 years of age or more.
6. Periods of assignment to a function of head of unit in a Commission Representation or Union Delegation or to a function of seconded head of unit shall not be taken into account for the purposes of the application of paragraph 4.
7. Derogations from paragraphs 3 and 4 may be granted for heads of unit who possess very specific qualifications or carry out very specific functions (notably in the Joint Research Centre or in the language services) and for heads of unit who, for operational reason, need to remain on their job, as well as in duly justified cases for personal reasons. Where justified, derogations may also be granted for specific functions or groups of functions.

In the cases referred to in the preceding subparagraph, the Director-General concerned shall send a duly reasoned request to the Director-General for Human Resources and Security, who shall decide on the derogation.

In addition, for reasons of continuity of service, the ratio of heads of unit subject to the mobility exercise referred to in paragraph 8 in any given year shall, at the request of the Director-General concerned, be limited to 15% of the total middle management population of the Directorate-General concerned.

8. Mobility of heads of unit shall be closely monitored by the Directorate-General for Human Resources and Security.

Taking account of the specificities of the individual Directorates-General (in particular the specific experience and specialisation required and the geographical location), the Director-General for Human Resources and Security shall, for each Directorate-General, set targets for the transfers or appointments of heads of unit from other Directorates-General to middle management functions. In setting these targets, the Director-General for Human Resources and Security shall also take account notably of the overall target of 40 % female representation in management functions and of the necessity to publish an adequate number of middle management functions under Article 29 of the Staff Regulations.

The Director-General for Human Resources and Security may prevent a Directorate-General from filling vacant middle management posts by appointment or transfer of officials from within that DG until it has reached its target.

Furthermore, in order to facilitate transfers of heads of unit between Directorates-General, one or more mobility exercises shall be organised each year by the Directorate-General for Human Resources and Security.

Article 13: 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 14: 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) Reassignment following the trial period.

A newly appointed head of unit may be reassigned to a non-management function in accordance with Article 11(5).

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

Without prejudice to Article 51 of the Staff Regulations, a procedure for reassignment to a non-management function may be launched by the Director-General concerned 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 Director-General concerned 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 Director-General concerned in agreement with the Director-General for Human Resources and Security in exceptional and duly justified cases.

Procedure to be followed:

- Before a decision is taken, the case shall be further assessed by one of the 30 rapporteurs designated by the Director-General for Human Resources and Security.
- The rapporteur shall draw up conclusions, following which the case shall be referred to the Consultative Committee on Appointments.
- The Consultative Committee on Appointments shall issue an opinion in which it may:
 - suggest that the official be offered another management function. In this case, the official could be offered additional training related to possible deficiencies in management ability;
 - confirm that the official be reassigned to a non-management function.

Final decision: following the opinion of the Consultative Committee on Appointments, the Director-General concerned shall take the final decision by simplified procedure, after hearing the official concerned and consulting the Commissioner responsible for the department.

2. Reassignment in case of revision of the organisation chart or in case of mobility required by Article 12:

(a) Where the function occupied by a head of unit ceases to exist as a consequence of a revision of the organisation chart of a Directorate-General, the Director-

General concerned may, after having examined the possibilities of transfer to a vacant head of unit function in the Directorate-General, reassign him in agreement with the Director-General for Human Resources and Security to a non-management function.

- (b) Where a head of unit is, according to Article 12(3), obliged to move to another function, the Director-General concerned may, after having examined the possibilities of transfer to a vacant head of unit function in the Directorate-General, reassign him in agreement with the Director-General for Human Resources and Security to a non-management function.
 - (c) An official who, according to Article 12(4), may not continue to exercise head of unit functions in the same Directorate-General and who is not transferred or appointed to a head of unit function in another Directorate-General shall be reassigned to a non-management function by the Director-General concerned.
3. In the cases referred to in paragraph 2, the officials concerned shall be heard before the decision on the reassignment is taken. The officials 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.

SECTION 6 –SPECIFIC CASES AND FINAL PROVISIONS

Article 15: Heads of Representation in the Member States⁹

The following specific rules shall apply to the functions of Head of Representation in the Member States:

1. As provided for in Articles 8(1)(e) and 10(1), the final interviews shall be carried out by the Director-General for Communication and the rapporteur for the procedure. The Director-General for Human Resources and Security and the Secretary-General may take part in the interview or be represented by officials occupying a function of at least the same level as that of the vacant function.
2. Both for functions at level AD 9/AD 14 and at level AD 13/AD 14, the Director-General for Communication shall take the appointment decision by simplified procedure, after consulting the Commissioner responsible for the department.

Article 16: 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).
2. The function of seconded head of unit shall be created in the Directorate-General 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 official is reassigned or appointed to a different function.
3. At the end of the secondment, the seconded head of unit shall return to the Directorate-General of origin and occupy the function of seconded head of unit,

⁹ Heads of Representation who occupy a function corresponding to the type of post of Director or Director-General are not covered by the present Article.

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 official has not been reassigned or appointed to a middle-management function, the Director-General concerned shall, after hearing the official, reassign him to a non-management function.

4. The functions of seconded head of unit that are created to make it possible to second a head of unit in the interest of the service to an executive agency (mirror functions) shall be filled by publication or reassignment in the interests of the service. By way of derogation from paragraph 2, they shall not be temporary and shall not automatically cease to exist when the secondment ends.

At the end of the secondment, the seconded head of unit shall return to the Directorate-General of origin and occupy another function of seconded head of unit created to that end, pending reassignment in the interest of the service or appointment to a middle management function within 12 months. This other function shall automatically cease to exist when the official is reassigned or appointed to a different function.

If, at the end of that 12-month period, the official has not been reassigned or appointed to a middle-management function, the Director-General concerned shall, after hearing the official, reassign him to a non-management function.

5. 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.

Article 17: Heads of unit under rotation

1. The title of "head of unit under rotation" shall be used as a specific and transitional title linked to a person and not to a particular function in a service. It may be assigned to heads of unit in Delegations and to Heads of Representation on their return to headquarters.
2. The persons concerned shall hold the title for a maximum of 12 months following their return to headquarters, pending reassignment in the interest of the service or appointment (following the publication of a function) to a middle management function. They may be assigned to a unit during this period.
3. Heads of unit under rotation shall be assigned to the type of post "Adviser or equivalent" or to the type of post "Administrator". They 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 18: Final provisions

1. Commission Decision C(2004) 1597 of 28 April 2004 on middle management staff¹⁰ and Commission Decision C(2009) 6879 of 10 September 2009 on the procedure for filling the posts of head of representation are repealed. However, Article 7(2), Article 8, Article 9(2) and Article 10 of Decision C(2004) 1597 shall continue to apply for selection procedures which are published before the date of effect of the present Decision.

¹⁰ As last amended by Decision C(2008) 5028 of 10 September 2008.

2. The Director-General for Human Resources and Security is hereby authorised to adopt or update as necessary guidelines for applying this decision, notably with regard to:
- the decentralised procedures for selection and appointment (Articles 8 and 10);
 - the probationary arrangements (Article 11);
 - the mobility scheme (Article 12);
 - reassignment to non-management functions (Article 14).
 - The update of the guidelines concerning the mobility scheme shall take account of the experience gathered in the course of the mobility exercises.

The Directorate-General for Human Resources and Security shall be responsible for monitoring the implementation of this Decision.

Article 19: Date of effect and transitional provisions

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

Until 31 December 2018, the Director-General for Human Resources and Security may grant derogations from paragraphs 3 and 4 of Article 12 also in other cases than those expressly referred to in paragraph 7 of that Article. By 31 December 2018, the Directorate-General for Human Resources and Security shall review the functioning of the mobility scheme and shall propose to the College any appropriate measures if deemed necessary.

Done at Brussels, 15.6.2016

For the Commission
Kristalina GEORGIEVA
Vice-President