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EUROPEAN COURT OF AUDITORS
COUR DES COMPTES EUROPÉENNE
CÚIRT INIÚCHÓIRÍ NA HEORPA



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**Decision of the Court of Auditors No 14-2010
on rules governing the mobility of staff**

THE COURT OF AUDITORS,

HAVING REGARD TO the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants (CEOS), laid down by Council Regulation (EEC, Euratom, ECSC) No. 259/68 of 29 February 1968 and last amended by Council Regulation (EEC, Euratom) No.723/2004 of 22 March 2004, and in particular Articles 4,7 and 29 of the Staff Regulations,

HAVING REGARD TO the Opinion of the Staff Committee,

WHEREAS mobility forms a dynamic element of the human resources' management system established at the Court, both in the latter's interest and in that of the staff concerned and,

WHEREAS mobility is aimed at contributing to the development, motivation and independence of staff and should facilitate the rotation of staff in sensitive posts,

HAS DECIDED AS FOLLOWS:

Article 1

The attached rules governing the mobility of staff at the Court shall be applicable.

Article 2

This Decision shall enter into force today.

Done in Luxembourg, 02 -03- 2010

For the Court of Auditors

Vítor CALDEIRA
President

RULES GOVERNING THE MOBILITY OF STAFF

Introduction

1. The European Court of Auditors' mobility policy is aimed at: (i) contributing to the development, motivation and independence of staff; and (ii) facilitating the rotation of staff in sensitive posts¹. Mobility policy is implemented in accordance with the provisions laid down in these rules: throughout the year via the procedure for filling vacant posts and by an annual mobility exercise.

Compulsory and optional mobility

2. Mobility is compulsory for the following staff:

- a) AD and AST staff in Audit Groups performing audit tasks;
- b) AD staff in the Presidency and Secretariat General services (except in the Legal Service, Translation and IT Directorates);
- c) Heads of Unit and Directors (except those of the Legal Service, the Translation and the IT Directorates).

3. The mobility of other staff not listed in the previous paragraph is optional, made only on voluntary basis and in the interest of the service. Nevertheless, all staff are invited to use mobility as a means of personal development and motivation.

4. Compulsory and optional mobility do not preclude the capacity of the Appointing Authority to assign, in the interest of the service, each official by appointment or transfer to a post, as provided in Article 7 of the Staff Regulations. In that context, the Appointing Authority shall also examine the exceptions to the mobility criteria foreseen in these rules following duly justified cases.

Mobility for staff other than directors or heads of unit

Criteria for mobility

5. The following criteria shall apply to the mobility of staff listed in paragraph 2a and 2b:

- a) **Staff in the same unit for more than 8 years:**

Participation in the annual mobility exercise is compulsory except in duly justified cases (special attention will be paid to the mobility of staff in sensitive posts); mobility is also possible via the procedure for filling vacant posts.

¹ Sensitive posts could include the task of authorising officer, awarding contract or establishing entitlements.

b) Staff in the same unit for more than 6 years but less than 8 years:

Although not compulsory, staff are encouraged to participate in the annual mobility exercise. Mobility is also possible via the procedure for filling vacant posts

c) Staff in the same unit for more than 3 years but less than 6 years:

Mobility is only possible via the procedure for filling vacant posts; except in duly justified cases, staff in this situation are not allowed to participate in the annual mobility exercise.

d) Staff in the same unit for less than 3 years:

Staff are not allowed to move, except in duly justified.

Periods of long-term absence, like maternity and parental leave or leave on personal grounds are not taken into consideration when calculating the number of years in post.

6. Staff referred to in paragraph 3, for which mobility is optional, might apply for a transfer following the procedure for filling vacancy posts only after having completed a period of 3 years in the post, except in duly justified cases. These staff cannot participate in the annual mobility exercise.

Procedure for filling vacant posts

7. The Human Resources Directorate in close cooperation with the Directors shall ensure that a vacancy notice (internal to the Court) is published for all post remaining vacant or expected to be vacant within six months. When considered appropriate, a transfer notice, open to official from other institutions might also be published.

8. When the deadline of the notice expires, the Director in close cooperation with the Head of Unit, assesses the applications, select the preferred candidate to fill the vacancy post and requests the transfer to the Human Resources Directorate.

9. In the case of a transfer from another Directorate, the "source" and "destination" Directors should agree on a mutually acceptable date for the effective transfer, no later than 3 months from the request for the transfer; they should also agree on any practical arrangement necessary to ensure the optimal handover of the assigned tasks and the minimum disruption of service. To this end, the Directors will consult the Members and the Heads of Unit concerned by the transfer.

10. If it is proves not possible for the Directors to agree on the effective date of transfer, the Deans of the two Groups (or, respectively, the President and the Secretary General for staff under their responsibility) will decide together when the transfer should take place.

11. The Human Resources Directorate will take all administrative steps to effectuate the transfer within the agreed date.

Procedure for the annual mobility exercise

12. The Human Resources Directorate shall:

- a) establish the list of staff participating in the annual mobility exercise according to the criteria 5.a (Staff in the same unit for more than 8 years) and criteria 5.b (Staff in the same unit for more than 6 years but less than 8 years);

- b) set the detailed calendar and the administrative routines to achieve the exercise within the deadlines;
- c) inform all the staff concerned by the exercise: explain the administrative routines to be followed and the calendar of the exercise.

13. The staff concerned should communicate to the Human Resources Directorate a minimum of six units where they would like to be transferred (in order of preference); this communication must be made within the deadlines set by the Human Resources Directorate and in accordance with the administrative routines established.

14. The Human Resources Directorate reviews the staff preferences and prepares an initial proposal taking into account:

- a) the preferences expressed by the staff;
- b) the staffing structure in each unit; in particular: the balance between team leaders and auditors; the number of vacant posts and the recruitment prospects; the language skills; and any other specific competences;
- c) the previous allocation of the staff concerned;
- d) any other criteria considered relevant.

15. Directors shall examine the initial proposal and suggest any change deemed necessary. Directors shall adopt a final proposal including the allocation of each individual staff and the detailed calendar for the transfers. The Directors should ensure that the proposal is made in the interest of the Court as a whole.

16. The Secretary General takes the decision on the mobility of staff following the final proposal adopted by the college of Directors. In those cases where the Directors cannot reach an agreement, the final decision will be taken by the Secretary General.

17. The Human Resources Directorate will communicate the final decision to the staff and will take all the administrative steps to implement it.

18. The annual mobility exercise will be launched by the Secretary General after the promotion exercise and with due care not to disrupt the achievement of the Court's annual work programme objectives.

Mobility for heads of unit and directors

19. Staff members on managerial posts (see paragraph 2.c) should be subject to compulsory mobility after a period of six years, which may be extended in justified circumstances.

20. Once a year the Secretary General shall inform the Administrative Committee of the situation regarding Heads of Unit and Directors and will put forward a proposal for the transfers deemed necessary. The Administrative Committee shall examine the proposal and submit it to the Cour for decision.

21. Before the period of six years and in justified circumstances, optional mobility is also possible via the procedure for filling vacancy posts.

Final provisions

22. This decision abrogates the Court Decision No 76-2006 on the policy on management of post at the Court and the provisions contained in DEC 205/05.

23. The Secretary General will inform the Administrative Committee every year on the implementation of the mobility policy.