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NOTE
From: Presidency
To: Permanent Representatives Committee
Subject: Geographical balance of staff in EU institutions, bodies and agencies

Delegations will find attached a Presidency discussion note on geographical balance in EU institutions, bodies and agencies.
INTRODUCTION

1. This note sets the framework for the discussion in COREPER on 7 June 2023 concerning the outlook as regards the geographical balance of staff in EU institutions, bodies and agencies. In line with the outcome of deliberations in COREPER on 1 December 2022 on geographical balance of staff and with a view to establishing a regular annual process for a continued and efficient follow-up of data on geographical balance in the Working Party on the Staff Regulations (WPSR), together with developments and measures taken to strengthen geographical balance, the Presidency considers it timely and opportune to reassess the situation, in full respect of the autonomy of the institutions to determine their self-organisation.

BACKGROUND

2. As a rule, discrimination based on nationality is prohibited by the Treaties, the Charter of Fundamental Rights, and the Staff Regulations (SR). The SR require that recruitment shall be directed to securing for the EU institutions the services of staff of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis (Article 27). In the 2014 reform of the SR, the co-legislators introduced a new legal basis for each institution to adopt appropriate measures, if a significant imbalance between nationalities of officials is observed which is not justified by objective criteria. Such measures must be justified and shall never result in recruitment criteria other than those based on merit. Before appropriate measures addressing significant imbalances at the recruitment stage are adopted, the Appointing Authority of the institution concerned needs to adopt general provisions for giving effect to the second paragraph of Article 27 in accordance with Article 110 SR.

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1 Presidency discussion note on geographical balance in EU institutions and bodies, 25 November 2022, ST 15093/22.
2 Consolidated version.
3. Further to previous discussions on geographical balance of staff in EU institutions, bodies and agencies in COREPER on 25 May and 1 December 2022, and in order to have an updated and accurate overview of the existence of possible geographical imbalances and to lay the ground for a continued evidence-based discussion, the Presidency has requested data from institutions, bodies and agencies primarily concerned. On 17 February 2023, the Presidency of the Council addressed letters to the administrations of three institutions, i.e. the European Parliament, the European Commission, the General Secretariat of the Council (GSC), as well as to the European External Action Service (EEAS) and bodies and agencies, through the EU Agencies Network (EUAN), requesting comprehensive AD data. All of them responded to the request and presented the most recent data available (reference date 31 December 2022) in three meetings of the WPSR, on 19 April, 8 May and 31 May.

4. The data has been submitted using a new common template for the presentation of geographical balance in the EU institutions, bodies and agencies, which was agreed on by the College of Heads of Administration in February 2023. The template facilitates a better comparability of data while also allowing institutions, bodies and agencies some leeway in relation to the categories of data to be presented and the guiding rate they apply, in full respect of their institutional autonomy.

5. It should be borne in mind that competitions organised by the European Personnel Selection Office (EPSO) are the primary recruitment source. While merit-based selections and recruitments and the principle of institutional autonomy must continue to be the cornerstone of the HR policy of EU institutions, bodies and agencies, it is clear that participation of nationals from all Member States in competitions is important with a view to ensuring the broadest possible geographical basis for all selection procedures based on the principle of merit.

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3 These EU institutions, bodies and agencies employ more than 85% of all EU staff in total. Their data can therefore provide a representative picture of the global situation.

4 In addition, given the recurring interest from Member States regarding SNEs (secondments with and without costs), and trainees (both cycles), institutions, bodies and agencies also had the possibility to provide those additional data as well as to provide management data in disaggregated form (senior/middle management), if appropriate.

5 WK 4740/23 and WK 4745/23.

6 WK 4867/23.

7 WK 4746/23 and WK 4771/23.
6. The current situation and the historical trend seen over some years, indicate that an improvement of the geographical balance will be difficult without a proactive and coordinated approach on all sides. The Presidency firmly believes that enhanced institutional and political commitment, together with a precise roadmap for actions in the near future and monitoring by the EU institutions, are necessary.

OBSERVATIONS ON THE DATA

7. The Presidency considers that the data provided by the EU institutions, bodies and agencies confirm the continued existence of significant imbalances between nationalities of officials, as well as between nationalities of non-permanent staff, which is considered as an important pipeline for the recruitment of officials. At the same time, the size and other specificities of the institutions, bodies and agencies must be taken into account. Building on previous data and the fact that no competitions have been held by EPSO in early 2023, previous trends remain valid as regards lower participation and success rates in competitions for certain nationalities compared to others since at least 2014.

8. According to the latest data and considering the respective guiding rates of each institution, bodies and agencies, the number of Member States with a low or very low presence of nationals in grades AD 5–16 (non-management), excluding linguists where applicable, ranges between 7 Member States in the European Parliament, 7 in the EEAS, 8 in the European Commission, 10 in the GSC, and 11 in the EU bodies and agencies.

9. Moreover, in comparison with the data set from 2017 and presented by the Commission in its report based on Article 27 SR, a deterioration can be noticed (e.g. an increase in the number of Member States with presence of their nationals below 80 % of the guiding rate in grades AD 5-8 in the European Commission from 10 in 2017 to 15 by 31 December 2022). As previously recognised by the European Commission in the report, geographical balance in the AD5-8 bracket is a pre-requisite for geographical balance of nationalities among the higher grades in the longer term.

8 Three different guiding rates apply in EU institutions, bodies and agencies so far. Those of the European Commission are under review in 2023 and are followed by the EU Agencies and the GSC, while the new EP and EEAS guiding rates are limited in their internal application.

9 For the EU bodies and agencies, reference is made to the situation pertaining to AD Temporary Agents as they constitute a stable staff category in agencies and bodies while the number of AD officials are quite limited.

10. The consolidated situation at managerial level shows 9 Member States in the European Commission with presence which would be below 80% of its guiding rate were this to be applied to the management population in that institution. The equivalent situation is displayed for 8 Member States in the EEAS, 9 in the European Parliament, 10 in the GSC and 12 in the EU bodies and agencies.

11. Finally, forecast retirements by 2027 and beyond are likely to have an impact on the presence of several Member States' nationalities if not compensated by future recruitments.

RECENT DEVELOPMENTS

12. EU institutions, bodies and agencies show awareness of the current situation, and some have already taken the first concrete steps towards addressing significant imbalances, in particular to strengthen outreach measures to foster geographical balance among candidates.

13. In line with the outcome of discussions in COREPER on 1 December 2022, the EU institutions, bodies and agencies have indicated their willingness to continue providing updated data on AD staff to the Council on an annual basis, including a forecast of retirements. Furthermore, the new common template for the presentation of geographical balance in the EU institutions, bodies and agencies agreed by the College of Heads of Administration in February 2023 constitutes a very important step with a view to facilitating the comparability and analysis of data.

11 According to the Report from the Commission to the European Parliament and the Council pursuant to Article 27 of the Staff Regulations of Officials and to Article 12 of the Conditions of Employment of Other Servants of the European Union (Geographical balance (COM(2018) 377 final/2), only the distribution of staff occupying non-management functions is considered. The report excluded management staff from its scope and the guiding rates defined for non-management staff are not therefore directly applicable. Indeed, the only relevant legal basis referring to geographical balance in management staff in the Commission, the Compilation Document on Senior Officials Policy (SEC(2004) 1352) only refers to functions of Director-General or equivalent (i.e. Deputy Director-General or Hors Classe Adviser) stating that the Commission considers it a desirable objective that each nationality should hold at least one function corresponding to the basic post of Director-General.
14. The Commission included the objective of geographical balance in its HR Strategy in 2022\textsuperscript{12}. It notably considers adopting General Implementing Provisions to allow introduction of appropriate measures aiming to improve geographical balance as foreseen in Article 27 SR. In late 2022 and beginning of 2023, the Commission has held a series of technical meetings with Member States whose presence is below 80% of the guiding rate in the entry grades (AD5-AD8) with a view to developing Joint Action Plans. The first such Joint Action Plan was adopted on 28 March 2023 and the remaining Joint Action Plans are currently being finalised in advance of adoption.

15. The Joint Action Plans include country-specific analyses to identify reasons for the low presence of certain nationalities, as well as actions to be implemented by the Commission and/or the Member State concerned to address these imbalances. Implementation of some actions in the Joint Action Plans has already commenced and will continue in 2023 followed by an analysis of the impact of action plans, as provided by the Commission HR-strategy. These actions include asking Commission DGs to interview at least one candidate from a Member State whose presence is below 80% of the guiding rate when organizing the selection of non-permanent staff as of September 2022 and working on reflecting geographical balance in the Blue Book trainee database. Preliminary analyses of these measures indicate some positive trends in addressing geographical imbalances. In parallel, the Junior Professionals’ Programme was transformed into a permanent scheme by a formal Commission decision in December 2022, and work on adopting a new decision on temporary agents is underway. Similarly, in May 2023, the General Secretariat of the Council launched a call for interest for a pilot programme called ‘Junior Policy Team’ (JPT), aimed at non-permanent staff and current and recent trainees.

\textsuperscript{12} C(2022) 2229 final.
16. It is important to maintain an ongoing dialogue to address the specific concerns of all Member States. In addition to Joint Action Plans, Operational Conclusions are prepared and are being finalized with those Member States whose presence is at least 80% of the guiding rate in the entry grades (AD5-AD8 officials). The Operational Conclusions will provide the basis for regular future engagements between the European Commission and the Permanent Representations, allowing the follow-up on geographical balance at all levels, as appropriate.

17. On 31 January 2023, the EPSO Management Board agreed on a new competition model based exclusively on written tests, which is expected to enable EPSO to reduce competition timelines to six months. The first competitions utilizing this new model are to be published later this year. The new model is expected to make competitions more efficient and more accessible, thereby further attracting talent from all Member States, making it easier for institutions to find laureates from Member States with a low presence of nationals, in case of equal merit. Since many nationalities have had a low presence at the first step of participation in competitions, under the former model, EPSO has also significantly boosted its outreach, widened communication actions and set up a forum for the Member States concerned. Joint communication efforts with Member States are important to encourage potential candidates to apply for EPSO competitions, which is a necessary precondition for improving the geographical balance.

THE WAY AHEAD - POSSIBLE MEASURES

18. Several Member States emphasised the need for further measures and appropriate action. The latest data of December 2022 indicate that so far little or no improvement can be observed, and that significant imbalances remain. While the analysis of attractiveness of the EU public administration is a much wider and dynamic exercise involving socio-economic and other factors and noting the actions that recently have been taken as mentioned above, the Presidency urges for swift, targeted and balanced actions from all EU institutions, bodies and agencies as some have already begun to do so while respecting the principle of merit.
19. Whilst respecting the principle of institutional autonomy and in full compliance with the SR, the Presidency invites the Appointing Authorities to consider by 2024 the concrete measures and actions set out below, as well as any other suitable measures, to come closer to geographical balance, as defined by the institutions’ respective guiding rates, at all levels, including at managerial level:

a. Continue the regular communication of data to the Council on an annual basis (by end of March each year) including geographical composition of EU staff and a forecast of retirements based on the agreed common template; data on the number of applications in open competitions and the number of successful candidates on reserve lists, as well as EPSO laureates data per nationality, which will be an important tool for regular assessment (at the level of WPSR);

b. Encourage institutions to continue the active monitoring of geographical balance in the selection and recruitment procedures with a view to further reducing imbalances, including for managerial posts, as appropriate;

c. Examine in the relevant inter-institutional fora possible improvements of the common template for the presentation of geographical balance data in the EU institutions, bodies and agencies, where appropriate, in particular with a view to reporting on trends (including temporary agents);

d. Exchange of best practices between EU institutions, bodies and agencies and Member States regarding measures to reach a balanced geographical presence of Member States’ nationals, with a view to supporting Member States in the fulfilment of their national strategies. This may also include cooperation on access to advisory and technical assistance, where possible, for setting up coaching and advisory centres for candidates across the EU;

e. Report on the use of contract agents (as per Article 79(3) CEOS) in the European Commission and EU Agencies acknowledging that they form an important pipeline for the recruitment in permanent positions;

f. Invite the institutions, bodies and agencies to strive for greater transparency and visibility of job vacancies for contract agents and temporary agents and to explore the feasibility of a single portal where all vacancies could be found;
g. Reinforce co-ordinated communication actions, where appropriate, towards Secondary and University students (Back to School, Back to University, Staff EU Career Ambassadors’ and Student EU Career Ambassadors’ programme), as well as career fairs for trainees, junior professionals, and agents with a view to advertising job opportunities in all EU institutions, bodies and agencies in a user-friendly and efficient manner;

h. Invite EU agencies to further explore the adoption of harmonised Human Resources Strategies, including SNEs procedures and a provision to ensure that all applications/nominations of SNEs are circulated via the Permanent Representations and guidelines on measures to mitigate geographical imbalances in EU agencies and to conclude their assessment, as well as centralised publication process of all vacancies in the agencies, a simplified and shortened application process, in order to increase visibility and reduce transaction costs for potential applicants;

i. Invite EU agencies to consider streamlining vacancy notices and introducing a common traineeships’ portal;

j. Invite institutions, bodies and agencies to work on improving geographical balance in their respective traineeships’ programmes, where appropriate;

k. Invite the institutions, bodies and agencies to expand if appropriate the use of programmes to attract junior professionals, such as the Junior Professional Programme applied in the Commission and other similar programmes and initiatives;

l. Encourage recruitment services to consider all appropriate measures towards geographical distribution of staff when assessing applications, in case of equal merit among the candidates, and in this respect to make use of current reserve lists;

m. Invite the EPSO Management Board to approve and present a realistic and reliable timetable for the launch of competitions under the new model and inform Member States in a timely manner, with a view to maintaining credibility for both EPSO competitions and Member States’ ongoing communication efforts;

n. Continue to strengthen EPSO communication and outreach activities for all candidates and Member States, with a particular focus on nationalities with low presence rates or those at risk of low presence while regularly measuring their impact;
o. Invite the College of the Heads of Administration to explore the long-term feasibility of a common guiding rate across the board as a basis for regularly assessing any imbalances in a coherent manner, and to examine the feasibility of coordinated measures to tackle significant geographical imbalances and to exchange best practices during their regular meetings after proper preparation in the Inter-institutional Committee for Statutory Questions (CPQS).

CONCLUSION

20. The Presidency proposes that COREPER take stock of the most recent data on geographical balance (as of 31 December 2022) and consider for the future:
   - the continuation of the yearly collection of data on geographical composition of AD staff at all levels of the EU institutions, bodies and agencies (as of 31 December of the year x, to be submitted by 31 March of the year x+1); these data will be examined by the WPSR with the aim to prepare a COREPER discussion, where appropriate.
   - the continuation of the yearly follow-up discussions at the level of COREPER, the next time during 2024 with a view to reassessing the progress towards reducing imbalances.
   - the non-exhaustive list of possible measures mentioned in paragraph 19 above, to reduce significant imbalances not justified by objective criteria in the medium and long term.

13 The discussion will be then based upon data of 31 December 2023, which are due to be delivered by 31 March 2024. COREPER will assess the results achieved in accordance with the Joint Action Plans on geographical balance as agreed with the European Commission and consider any other necessary measures, which could be taken, as appropriate, by other EU institutions, bodies and agencies.