

TRIBUNAL DE CUENTAS EUROPEO

EVROPSKÝ ÚČETNÍ DVŮR

DEN EUROPÆISKE
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ΕΥΡΩΠΑΪΚΟ ΕΛΕΓΚΤΙΚΟ
ΣΥΝΕΔΡΙΟ

EUROPEAN COURT OF AUDITORS

COUR DES COMPTES
EUROPÉENNE



CORTE DEI CONTI EUROPEA

EIROPAS REVĪZIJAS PALĀTA

EUROPOS AUDITO RŪMAI

EURÓPAI SZÁMVEVŐSZÉK

IL-QORTI EWROPEA TA' L-
AUDITURI

EUROPESE REKENKAMER

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EUROPEISKA REVISIONSRÄTTEN

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DECISION NO 7-2006

LAYING DOWN THE RULES OF

THE EUROPEAN COURT OF AUDITORS

ON TRAINING¹

¹ As adopted by the Court at its 774th meeting on 12 January 2006.

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DECISION NO 7-2006 LAYING DOWN THE RULES OF THE EUROPEAN COURT OF AUDITORS ON TRAINING

THE EUROPEAN COURT OF AUDITORS

- Having regard to the Staff Regulations of officials of the European Communities, and in particular Article 24a thereof,
- Having regard to the Conditions of employment of other servants of the European Communities, and in particular Articles 11 and 54 thereof,
- Having regard to Decision No 87-10 of 26 February 1987 by the Appointing Authority setting up a Joint Committee on Training,
- Having regard to Opinion No 3/05 by the Joint Committee on Training of 19 October 2005,
- Having regard to Decision No 1-2002 of 30 January 2002 laying down the Rules of the European Court of Auditors on Training,
- Having regard to the discussions of the Court of Auditors at its 774th meeting on 12 January 2006,

Whereas training is an important and permanent aspect of the Court's activities;

Whereas training assists in achieving the objectives conferred upon the Court by the Treaties and specified by the latter in its audit policies and standards;

Whereas training is also an important part of the Court's human resources' management policy;

Whereas the Rules on Training should be adapted to the ever-changing working environment of Court staff,

HAS DECIDED:

CHAPTER 1: PRINCIPLES AND OBJECTIVES

Article 1

Within the context of these Rules, the terms below should be understood in the meanings given:

- "member of staff": any official or temporary, auxiliary or contract member of staff at the Court, with the exception of persons recruited for a period of less than one year;
- "hierarchical superior": the authority to whom the member of staff is directly and immediately responsible, i.e. usually the Head of Division or Head of Unit or, in their absence, the Director of the Group concerned;
- "managing department": the Training Unit;
- "Committee": the Joint Committee on Training;
- "working day": any day normally worked at the Court excluding Saturdays, Sundays and public holidays;
- "authority responsible for appeals": the Secretary-General, who is responsible for training, or a Member appointed by the Administrative Committee where the member of staff who is lodging an appeal in respect of a decision concerning him/her comes under the hierarchical authority of the Secretary-General.

Article 2

The purpose of training is to increase the quality of the work produced by Court staff and to promote their further training and instruction and staff mobility. It should enable them to acquire the knowledge required to apply the Court's working methods and to keep their specialised knowledge up-to-date. Its final objective should be to improve the performance of the Court's work and activities from the viewpoint of effectiveness, efficiency and economy. In order to achieve these objectives, taking into account the resources available, such training courses shall be organised as are consistent with the sound functioning of the Court's departments and are in the mutual interest of the Court and its staff.

Article 3

Training is aimed at all Court staff, irrespective of their grade or post.

Article 4

Training comprises the following:

- the initial training of newly-recruited staff;
- the on-going training of all Court staff, including:

- courses to promote the acquisition of the know-how required for members of staff to carry out present and future duties;
- courses to be attended at specific stages throughout a member of staff's career;
- general on-going courses covering the Court's sectors of activity.

Article 5

Some course modules may be made compulsory, in particular in the following cases:

- during the probationary period following recruitment or hiring by the Court;
- during moves from one category to another or from one career bracket to another;
- on taking up managerial duties;
- within the context of an on-going training programme.

The compulsory nature of a course module results from a Court Decision. The courses of which each module is composed shall be determined by a decision of the Secretary-General. The compulsory nature of a course may also be established by a substantiated decision by the hierarchical superior, approved by the Member responsible, in accordance with the administrative provisions adopted by the Audit Groups or, where appropriate, by the Secretary-General.

CHAPTER 2: ADMINISTRATIVE RESPONSIBILITIES IN THE AREA OF TRAINING

Article 6

The Secretary-General shall be responsible for all activities related to training. He/she may delegate this responsibility to the Director who, on account of his/her position, supervises the work of the managing department.

Article 7

The managing department shall ensure the practical management of training activities and, in particular, the implementation of the training programme.

Article 8

The Members of the Court or, where necessary, the Secretary-General, shall authorise applicant members of staff subordinate to them to attend training courses. The Members of the Court may delegate this responsibility to members of staff subordinate to them, in accordance with the administrative provisions adopted by the Audit Groups. The Secretary-General may also delegate this responsibility to members of staff subordinate to him/her.

CHAPTER 3: DETERMINATION OF TRAINING REQUIREMENTS AND COURSE PLANNING

Article 9

Training requirements shall be determined by the Court, on the one hand, and by each individual member of staff, on the other hand.

Article 10

The Court shall adopt a directional plan, in principle once every four years, and an annual training programme every year.

These documents aim to enable the Court to take decisions and to inform Court staff of the general guidelines adopted in the area of training, as well as the planning and implementation of professional courses.

The procedure for drafting these documents and their contents are laid down in the Implementing Provisions for these Rules.

Article 11

The Court may give the managing department additional guidelines on the basis of its overall priorities and requirements.

Article 12

Members of staff shall determine their individual training requirements after consulting their hierarchical superiors. In this light, and in order to promote the achievement of the objectives referred to in Article 2 above, a personal development plan shall be drawn up for each member of staff. The detailed objectives, structure, implementation period and contents of this plan are defined in the Implementing Provisions for these Rules.

Article 13

When it is drawing up the annual training programme, the managing department shall take account of the guidelines given by the Court and record the training requirements of staff set out in Article 12 above.

Article 14

The audit divisions shall incorporate their staff's training plans in their annual work programmes.

The other departments shall take account thereof in planning their activities.

In order to facilitate the drawing-up of work programmes and to ensure that staff are available for training courses, the managing department shall inform Court staff, where possible, of the probable dates of the training courses mentioned in the training programme.

CHAPTER 4: TRAINING COURSES

SECTION 1: GENERAL PROVISIONS

Article 15

The Court offers three types of training course to its staff:

- compulsory courses, organised by the managing department,
- optional courses, organised by the managing department, i.e. at its own initiative, or following a request by a member of staff, a division or a Court Department,
- courses organised at interinstitutional level.

Self-study courses followed by staff at the European Commission's "Learning Centre" during working hours fall into this last category.

Article 16

Members of staff may also request at their own initiative to attend an external training course not provided for by the managing department, whether the course be continuous or take place at intervals over a longer period.

External training courses at the member of staff's sole initiative shall be defined as any training course given by a public or private body attendance at which is requested at the applicant member of staff's own initiative, whether at the prompting or not of the hierarchical superior, although the course concerned is neither proposed nor organised by the Court.

If the course is spread over several days or split between one or more working days' rest, it shall be deemed to be discontinuous.

Article 17

The training courses covered by these Rules fall into two categories:

- (a) training that is in the sole interest of the Court;
- (b) training that is in the joint interest of both the Court and the member of staff.

All the member of staff's entitlements as regards docking leave, granting of special leave or travelling time and financial cover shall depend upon the value of the course for the Court and the member of staff.

Article 18

The value may be assessed on the basis of the relation existing between the subject matter of the training course and the nature of duties to be carried out or likely to be carried out by the applicant member of staff on the basis of the criteria set out in the following Articles. It may also be assessed on the basis of the objectives referred to in Article 2 and, in particular, the improvement of staff's knowledge.

Article 19

The assessment of the value of a training course is made on the day that the application is submitted by the member of staff concerned, taking into account his/her position at that date and also his/her subsequent career prospects corresponding to his/her service or category.

Article 20

The extent of the value that a training course may have for a member of staff and for the Court results from the managing department's assessment, based on the criteria established below and on those contained in the Implementing Provisions for these Rules.

SECTION 2: COURSES IN THE SOLE INTEREST OF THE COURT

Article 21

Training shall be considered to be in the sole interest of the Court if its subject matter is immediately related to the nature of the duties carried out or likely to be carried out by the applicant member of staff, taking into account his/her category and the post he/she occupies or that he/she may be required to occupy.

Article 22

Any courses included in the annual programme shall be deemed to be in the sole interest of the Court provided that the member of staff satisfies the eligibility requirements for attendance.

Article 23

The language courses organised at interinstitutional level, notwithstanding the limits referred to in Article 39 and subject to Article 40 below, shall by definition be presumed to be followed in the sole interest of the Court independently of the post held by the member of staff, provided however that they are Community languages or languages knowledge of which is essential to enable the member of staff to carry out his/her present or future duties.

Article 24

Courses not listed in the annual programme:

- shall be considered to be of sole interest to the Court when they are organised at the sole initiative of the managing body;
- may be of sole interest to the Court on condition that they fulfil the conditions laid down in the Implementing Provisions for these Rules.

Article 25

The time required to attend a training course classified as being in the sole interest of the Court shall be considered as working time.

If the course is held outside the place of employment, a mission order should be drawn up in the name of the staff member's department. For courses which take place in Luxembourg, it is not necessary to draw up such a document, the convening letter being tantamount to a mission order without any allowance due.

Any enrolment fees shall be covered by the Court, on submission of supporting documents, out of the training budgetary appropriations, except for all other expenditure or allowance related to transport and subsistence, which shall be covered by the staff member's department.

SECTION 3: COURSES IN THE JOINT INTEREST OF THE MEMBER OF STAFF AND THE COURT

Article 26

A course in the joint interest of the Court and the member of staff shall be any course that is not listed in the annual programme dealing with areas which may be of interest to the Court without, however, there being a direct link between the subject matter of the course and the nature of the applicant member of staff's present or future duties, provided that it fulfils the conditions laid down in the Implementing Provisions for these Rules.

Article 27

Courses classified as being in the joint interest of the member of staff and the Court may, under the conditions laid down in the Implementing Provisions for these Rules, give entitlement to special leave for training, on the one hand, and special leave for examinations, on the other hand, and to the partial reimbursement of enrolment fees, on submission of the supporting documents.

CHAPTER 5: APPLICATIONS TO ATTEND A TRAINING COURSE

SECTION 1: GENERAL PROVISIONS

Article 28

In order to qualify as admissible by the managing department, all requests to attend courses must be endorsed by the Member or the Secretary-General for staff under their authority, in accordance with the procedures laid down in Article 8.

Refusal of endorsement by the Member or the Secretary-General must be justified in writing and sent to the applicant member of staff. A copy of the refusal decision shall be sent to the managing department.

Article 29

All requests to attend training courses shall be subsequently examined by the managing department. The latter shall assess whether the applicant member of staff fulfils the eligibility requirements, evaluate the application in the light of the criteria set out in Article 2 and shall decide upon the value of the course in accordance with the criteria set out in Section 1 of Chapter 4.

Article 30

In the case of persons recruited for a period of less than one year, the managing department shall assess the course applications in accordance with the criteria laid down in the Implementing Provisions for these Rules.

Article 31

In the absence of endorsement by the managing department, any attendance, should enrolment go ahead, will be considered as being neither in the sole interest of the Court, nor in the joint interest of the latter and the member of staff.

Article 32

In the event of endorsement by the managing department, the member of staff attending the training course shall undertake to observe the obligations set out in the Implementing Provisions for these Rules.

Article 33

The provisions in respect of forms and the closing-date for applications are contained in the Implementing Provisions for these Rules.

SECTION 2: APPEAL PROCEDURES

Article 34

Appeals may be lodged against:

- any individual decision taken by the managing department, involving either the eligibility criteria or the value of attending the course;
- the decision reiterated by the Member concerned or the Secretary-General to refuse the endorsement referred to in Article 28 in respect of the same training course.

Article 35

Appeals should be submitted to the authority responsible for appeals within a three-month period as from the day the member of staff receives notification of the decision.

At the same time and within the same time-limits, the member of staff shall send a copy of his/her appeal to the Chairman/Chairwoman of the Committee, who shall officially acknowledge receipt thereof, this act of forwarding being tantamount to referral to the Committee for opinion.

Article 36

The Chairman/Chairwoman of the Committee shall convene the said Committee as soon as possible. The Committee shall deliver its opinion after having heard the various parties by no later than the month following receipt of the copy of the appeal. The opinion shall be forwarded confidentially to the authority responsible for appeals. The Committee may request any further information deemed necessary for forming its opinion.

Article 37

Within fifteen working days as from the date of receipt of the Committee's opinion, the authority responsible for appeals shall make an ultimate and final decision. Where the authority responsible for appeals is absent, the deadline shall be extended accordingly. His/her decision, together with the Committee's opinion, shall be notified in writing to the member of staff and duly substantiated in the event of refusal. Where the appeal is lodged

against a decision to refuse the endorsement referred to in Article 28, the appeal decision shall also be notified to the Member concerned or the Secretary-General.

The authority responsible for appeals should ensure that the decision is taken in enough time to allow, where necessary, the applicant member of staff to enrol for the training course concerned.

Article 38

The decision of the authority responsible for appeals shall constitute the decision within the meaning of Article 90 of the Staff Regulations against which the member of staff shall be entitled to lodge a complaint.

CHAPTER 6: PROVISIONS SPECIFIC TO LANGUAGE COURSES

SECTION 1: LANGUAGE COURSES ORGANISED WITHIN AN INTERINSTITUTIONAL FRAMEWORK

Article 39

The Court of Auditors, in conjunction with the other institutions located in Luxembourg and the European Investment Bank, makes available to its staff a series of language courses which aim to facilitate the learning and perfecting of languages. These jointly-organised courses are held in Luxembourg. They take several forms and cover more especially the official Community languages but also some other languages whose knowledge is important in view of the geographic spread of Community activities and possible accessions.

Within this framework, staff shall be entitled, except where the service requires otherwise, to an annual language course credit in the sole interest of the Court, including repeats, which shall be determined in the Implementing Procedures for these Rules. In this area Article 30 shall apply to persons recruited for a period of less than one year.

Before starting a new level of language course, the member of staff must give evidence that he has completed the previous cycle. Where this has not been completed, the member of staff's enrolment shall be subject to prior endorsement by the managing department.

If a member of staff is prevented from attending a course, either for professional reasons which are duly justified by his/her hierarchical superior or on account of circumstances outside his/her control, for a period exceeding the duration of 30 hours' teaching, this course shall not be deducted from his/her annual language training credit.

Once the annual credit of language courses laid down in the Implementing Provisions has been exhausted, any other language course shall be considered to have been attended in the joint interest of the member of staff and the Court.

Article 40

By way of derogation from subparagraphs 2 and 5 of Article 39 above, any Community language which is being learnt by a translator or reviser shall, on account of the specific nature of their work, be considered as being in the sole interest of the Court. The same shall apply for non-Community languages whose knowledge is essential for the current and future functioning of the Translation Directorate. The need for a translator or reviser to learn a non-Community language should be expressly attested to and justified by his/her hierarchical superior. On applying this last provision and in the absence of a sufficient link with the member of staff's present or future duties, the managing department may refuse an application in the sole interest of the applicant member of staff.

Article 41

The detailed provisions in respect of this section are contained in the Implementing Provisions.

SECTION 2: LANGUAGE COURSES OUTSIDE THE INTERINSTITUTIONAL FRAMEWORK

Article 42

Attendance of a language course outside the interinstitutional framework existing in Luxembourg shall be considered as being in the joint interest of the member of staff and the Court.

Members of staff who, for the language course concerned, have studied beyond course level 4, including at least one level at interinstitutional level, may apply to attend a language course held outside the interinstitutional framework

This type of course must take the form of an intensive summer course during the period from the beginning of June until the end of September. The contents of the course should at least be equivalent to the level for which the member of staff could have applied at interinstitutional level. By way of derogation, in duly justified cases, the managing department may accept the application of a member of staff who has not fulfilled these criteria.

If a non-Community language is involved, the member of staff may be authorised to attend courses in the country whose language is being learnt provided that the number of hours does not exceed that specified for a course organised at interinstitutional level.

Article 43

By way of derogation from Article 42 and subject to the budgetary resources available, translators and revisers shall be entitled in the sole interest of the Court, and once only during a cycle of courses to learn a Community or non-Community language, to attend a course in the country of the language being learnt. These courses may only concern languages declared to be priority by the Director of Translation. The number of hours for

which these courses last may not exceed that specified for a course organised at interinstitutional level.

By way of derogation from Article 42 and subject to the availability of budgetary resources, members of the Court's staff other than translators and revisers shall be entitled in the sole interest of the Court, and once only during a cycle of courses to learn French or English, to attend a course in the country of the language being learnt. Members of staff who, for the language course concerned, have studied beyond course level 4, may apply to attend a language course held outside the interinstitutional framework.

This last type of course must take the form of an intensive summer course during the period from the beginning of June until the end of September. The contents of the course should at least be equivalent to the level for which the member of staff could have applied at interinstitutional level. The number of hours for the course may not exceed that specified for a course organised at interinstitutional level. Only applications supported by a reasoned justification from the hierarchical superior, approved by the Member responsible or the Secretary-General in accordance with the procedures laid down in Article 8, shall be taken into consideration.

Article 44

The certificate providing evidence of having passed the examinations preliminary to these courses or, in the absence of tests, the attestation issued at the end of the course, shall determine the corresponding interinstitutional level. The managing department ensures the equivalence of level both as regards the content and duration of the course.

The member of staff shall be required to submit certificates attesting to his/her regular attendance at the courses and showing the results obtained to the managing department.

Article 45

By way of derogation from Articles 42 and 43 above, and in exceptional cases duly justified by the urgency and interest of the institution, members of staff may be authorised by the managing department to attend, in the sole interest of the Court, intensive courses held outside the interinstitutional framework, including outside the European Communities.

Only those applications supported by a reasoned justification from the hierarchical superior, approved by the Member responsible or the Secretary-General, shall be taken into consideration.

Article 46

The detailed provisions in respect of this section are contained in the Implementing Provisions.

CHAPTER 7: TRANSITIONAL AND FINAL PROVISIONS

Article 47

For training courses on the date of entry into force of these Rules, the course value qualification obtained under the former rules shall be automatically maintained by equivalence, except where the terms are more favourable for the member of staff.

Article 48

The Court shall adopt these Rules and any subsequent amendments after consulting the Joint Committee on Training for an opinion. The Administrative Committee shall be authorised to adopt the Implementing Provisions for these Rules and any subsequent amendments after consulting the Joint Committee on Training for an opinion.

Article 49

Any courses not provided for in the annual programme, not organised by the managing department and not having formed the subject of provisions in the preceding articles shall be considered to be neither in the sole interest of the Court, nor in the joint interest of the latter and the member of staff.

Article 50

These Rules shall be notified to staff by the Secretary-General. They shall take immediate effect and repeal Decision No 1-2002 of 30 January 2002.

Luxembourg, 3 February 2006

For the Court of Auditors

(s) H. Weber
President

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