



## **Executive Board Decision 2022-01**

**of 7 March 2022**

### **laying down implementing rules concerning the selection, extension of the term of office and removal from office of the Administrative Director of Eurojust**

THE EXECUTIVE BOARD OF EUROJUST,

Having regard to Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA<sup>1</sup> (hereinafter referred to as ‘the Eurojust Regulation’), and in particular Articles 16(3)(c), 17, 65 and 80(4) thereof,

Having regard to the Rules of Procedure of Eurojust, as amended, approved by the Council by Implementing Decision (EU) 2019/2250 of 19 December 2019 and Implementing Decision (EU) 2020/1114 of 23 July 2020 and adopted by the College on 20 December 2019 and 24 July 2020, hereinafter referred to as the ‘Rules of Procedure’, and in particular Article 15 thereof,

Having regard to the Staff Regulations of Officials of the European Union (hereinafter referred to as the ‘Staff Regulations’) and the Conditions of Employment of Other Servants of the European Union of the European Union (hereinafter referred to as the ‘CEOS’), as laid down by Council Regulation (EEC, Euratom, ECSC) No 259/1968<sup>2</sup>, and in particular Articles 2(a), 12, 13 and Chapter 9 of Title II of the CEOS, second and third paragraphs of Article 52 of the Staff Regulations by virtue of Article 47(a) of the CEOS and Article 110(2) of the Staff Regulations,

Having regard to the Commission’s Decision<sup>3</sup> giving its agreement pursuant to Article 110(2) of the Staff Regulations,

Having consulted the Staff Committee of Eurojust,

Whereas:

- (1) In accordance with Article 17(1) of the Eurojust Regulation, the Administrative Director shall be engaged as a temporary agent of Eurojust under Article 2(a) of the CEOS.
- (2) In accordance with Article 15(7) of the Rules of Procedure of Eurojust, the Executive Board shall adopt implementing rules on the procedures for the selection and appointment, contract renewal and termination of the contract of the Administrative Director.
- (3) In accordance with Article 17(2), (4) and (7) of the Eurojust Regulation, the Executive Board proposes to the College a list of candidates for the post of Administrative Director following an open and transparent selection procedure and, where relevant, may propose to the College the extension of the term of office of the Administrative Director or that the Administrative Director is removed from office.

<sup>1</sup> OJ L 295/138, 21 November 2018, p. 138.

<sup>2</sup> OJ L 56, 4 March 1968, p.1.

<sup>3</sup> C(2022) 1124 of 21.02.2022

- (4) The aim of selection procedures is to identify the best qualified candidates for the post to be filled.
- (5) Eurojust is an equal opportunities employer,

HAS DECIDED AS FOLLOWS:

**Article 1**  
**General provisions**

These rules shall apply to the selection, extension of the term of office and removal from office of the Administrative Director as referred to in Article 17 of the Eurojust Regulation and Article 15 of the Rules of Procedure.

**TITLE I**  
**Selection procedure**

**Article 2**  
**Principles governing the selection procedure**

The selection procedure shall observe the principles and requirements enshrined in Article 12(1) and (2) of the CEOS.

**Article 3**  
**Vacancy notice for the post of Administrative Director**

1. The vacancy notice for the post of Administrative Director shall be approved by the College based on a proposal by the Executive Board.
2. The vacancy notice shall include at least the following elements:
  - (a) a general description of Eurojust's objectives and tasks as laid down in the Eurojust Regulation;
  - (b) a description of the main functions and duties of the Administrative Director with references to the relevant provisions of the Eurojust Regulation;
  - (c) the eligibility criteria that have to be fulfilled by every candidate including the minimum qualifications required by Article 5(3) of the Staff Regulations, applicable by analogy to the temporary staff pursuant to Article 10(1) of the CEOS;
  - (d) the requirements of the post, including any competencies that are considered relevant to the function and which are subsequently used as selection criteria;
  - (e) a description of the selection and appointment procedures. If written tests and assessment centre will be organised, this shall be mentioned in the vacancy notice;
  - (f) the terms and conditions of employment, including the grade at recruitment, the nature of the contract offered and the duration of the term of office;

- (g) the modalities and closing date for submitting applications;
  - (h) the requirement for a security screening to be applied to the successful candidate.
3. The vacancy notice shall be published in the Official Journal of the European Union. It may be also announced in relevant media to achieve maximum exposure.
  4. The Human Resources Unit of Eurojust shall provide the necessary advice and support for the preparation and advertising of the vacancy notice.

**Article 4**  
**Selection Board**

1. The College, based on a proposal by the Executive Board, shall set up a Selection Board which shall assess the applications received and draw up a duly reasoned selection report including the applicants who most correspond to the profile sought.
2. The Selection Board shall be composed of two national members within the meaning of Article 7 of the Eurojust Regulation and a representative of the European Commission. Each member of the Selection Board shall have an alternate in case the designated member cannot participate in the work of the Selection Board. The members and alternates shall be selected following a call for volunteers between the national members, except for the European Commission representative and his/her alternate, which shall be appointed by the European Commission. The representatives of the European Commission shall occupy a grade equal or superior to that of the post to be filled.
3. A Selection Board member shall not be involved in a selection procedure in which he/she has any personal interest that could impair, or be perceived to impair, his independence, and, in particular, family and financial interests. Each Selection Board member shall declare any interest which may give rise to a conflict of interest or which may be perceived as such in the performance of his/her tasks. Where an actual or a perception of a conflict of interest exists, the affected member of the Selection Board shall be replaced by his/her alternate.
4. The Human Resources Unit of Eurojust shall provide the secretariat of the Selection Board and Executive Board for the purpose of the selection procedure.
5. The Selection Board may be assisted by a person with relevant experience in the selection of senior management post (hereinafter referred to as 'human resources consultant'), if so decided by the College. This person shall not have voting rights.

**Article 5<sup>4</sup>**  
**Selection process and assessment centre**

1. At its first meeting, the Selection Board shall choose a chairperson from among its members.
2. Using assessment checklists, the Selection Board shall consider all applications received, having regard to the vacancy notice for the post of Administrative Director and shall draw up a list of eligible candidates. Based on the list of eligible candidates the

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<sup>4</sup> See also Article 15 of the Rules of Procedure of Eurojust

Selection Board shall draw up a list of candidates to be invited for interview(s) and possible written test(s).

3. Following the interview(s) and written test(s), the Selection Board shall draw up a selection report with the list of the candidates who most correspond to the profile sought ('shortlist of candidates'), giving reasons for its choices. All candidates included in that list shall be invited to an assessment centre organised by a human resources consultant. The assessment centre shall provide an in-depth analysis of the candidates' competencies set out in the vacancy notice. It shall comprise individual and/or group exercises as well as in-depth interviews focussed on management skills.
4. The chairperson of the Selection Board shall forward a shortlist of candidates to the Executive Board as well as the supporting file, for its consideration.
5. The Executive Board shall interview the shortlisted candidates. The Executive Board may invite the chairperson of the Selection Board and the human resources consultant to explain the results of the interview(s) and assessment centre and each candidate's report.
6. The Executive Board shall present to the College a list of suitable candidates and the Executive Board's recommendation of the candidate to be chosen.
7. Following the assessment of applications by the Selection Board, interviews with the Selection Board and interviews with the Executive Board, candidates shall receive a notification of the outcome from the secretariat of the Selection Board or Executive Board. Within 10 calendar days of such notification, a candidate may submit a request for reconsideration in writing stating the reasons for their request. The Selection Board shall reconsider its decision within 10 calendar days of receipt of the request and notify the candidate accordingly. Candidates adversely affected by a decision of the Selection Board or Executive Board, may lodge a complaint pursuant to Article 90(2) of the Staff Regulations of Officials, within a period of 3 months following notification of the contested decision.

#### **Article 6<sup>5</sup>**

#### ***Interview with the College and appointment***

1. The President shall explain to the College the outcome of the interviews, present the list of suitable candidates and the Executive Board's recommendation of the candidate to be chosen. The College may invite the human resources consultant to explain the proceedings of the assessment centre and each candidate's report.
2. The College may interview the persons on the list of suitable candidates drawn up by the Executive Board before taking its decision and offering the post of Administrative Director to a successful candidate, if any.
3. If the candidate chosen for the Administrative Director post declines the offer, the College chooses another candidate from the list presented by the Executive Board. The list of suitable candidates set up by the Executive Board shall be considered for future recruitments in case the selected candidate is not confirmed in his/her function.
4. Following a decision of the College on the appointment, the candidates interviewed by the College shall receive a formal notification of the outcome of the procedure from the secretariat of the Selection Board. The three-month time limit for lodging a complaint

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<sup>5</sup> See also Article 15 of the Rules of Procedure of Eurojust

pursuant to Article 90(2) of the Staff Regulations shall run from the date of such notification.

### ***Article 7***

#### ***General conditions and confidentiality***

1. If a member of the College is a candidate in the selection procedure or if an actual or perceived conflict of interest exists, the member of the College concerned should not participate at any stage of the selection procedure, including the adoption of the vacancy notice, appointment of the Selection Board, etc. That member of the College may be replaced by a deputy national member or an assistant as provided for in Article 7(7) of the Eurojust Regulation, of the same nationality.
2. The proceedings of the Selection Board and the Executive Board, and the deliberations of the College regarding the selection procedure for the post of Administrative Director shall be secret.
3. The members of the Selection Board, the Executive Board and the College, Eurojust staff, personnel of the external assessment centre or the human resources consultant involved in the selection procedure, shall maintain the strictest confidentiality with regard to the work carried out.
4. Travel and subsistence expenses, including hotel accommodation, shall be reimbursed to the members of the Selection Board, where applicable, and to the candidates invited to the written test(s) and interview(s) in accordance with the applicable rules for external selections.

### ***Title II***

#### ***Extension of the term of office***

### ***Article 8***

#### ***General conditions***

1. In accordance with Article 17(3) and (4) of the Eurojust Regulation, the term of office of the Administrative Director shall be four years, and may be extended once and for no more than four years.
2. At the latest twelve months before the end of the first term of office of the Administrative Director, the Executive Board shall carry out an assessment that takes into account both annual appraisal reports and foreseen requirements of Eurojust for the next years.
3. Acting on a proposal from the Executive Board that takes into account the assessment above, the College may extend the term of office of the Administrative Director, after hearing him/her.

**Title III**  
**Termination of service**

**Article 9**

**General conditions and retirement**

1. Apart from cessation on death or the end of term of office, the service of the Administrative Director shall cease, in accordance with Article 47(a) of the CEOS, at the end of the month in which the person concerned reaches the age of automatic retirement, or, where applicable, at the date fixed in accordance with the second and third paragraphs of Article 52 of the Staff Regulations.
2. Pursuant to the second and third paragraphs of Article 52 of the Staff Regulations, at least one year before reaching the age of automatic retirement, the Administrative Director may request from the College to remain in service beyond her/his retirement age. The authorisation may be granted by the College in the interest of the service for a maximum duration of one year and it may be renewed at the Administrative Director's request without exceeding the maximum retirement age and the duration of her/his mandate.

**Article 10**

**Resignation**

1. The Administrative Director who wishes to resign before the end of his term of office shall state unequivocally in writing his intention to leave the service of Eurojust, indicating the date on which his resignation should take effect in accordance with Article 47(b)(ii) of the CEOS.
2. The letter of resignation shall be addressed to the College, with the President in copy.

**Article 11**

**Termination of contract**

1. Pursuant to Article 17(7) of the Eurojust Regulation and Article 47(b) of the CEOS and upon a proposal of the Executive Board, the College may decide to remove the Administrative Director from office following the period of notice and in accordance with the conditions referred to under points (ii) or (iii) of Article 47(b) of the CEOS, after hearing him/her.
2. Pursuant to Article 48(a) and (b) of the CEOS and upon a proposal from the Executive Board, the College may decide to remove the Administrative Director from office without notice, after hearing him/her.
3. In case the Administrative Director is removed from office, the person exercising the deputising role may exercise the powers conferred on the Administrative Director within the limits required by ensuring business continuity in the operation and the day-to-day management of Eurojust, without impairing the powers conferred on the Administrative Director in the provisions governing his/her role.

**Article 12**  
**Final provisions**

College Decision 2015-10 of 6 October 2015 adopting a procedure for contract renewal of the post of Administrative Director of Eurojust is repealed.

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

Done at The Hague on 7 March 2022,

On behalf of the Executive Board of Eurojust,



Ladislav Hamran

President of Eurojust