

Decision of the Management Board 09/2016/MB

**On laying down rules on the selection and the appointment of the
Executive Director of CEPOL**

Adopted by the Management Board

on 7 December 2016

THE MANAGEMENT BOARD,

Having regard to Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 establishing the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA¹, and in particular Articles 9(l) and 23 thereof,

Having regard to the Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council², and in particular to Article 2(a) of the CEOS,

Having regard to the Rules of Procedure of the Management Board adopted on 27 October 2016³, and in particular Articles 6 and 7 thereof,

After consulting the Staff Committee,

Whereas:

- 1) By virtue of Article 9(l) of Regulation (EU) 2015/2219, the task to adopt internal rules on the selection of the Executive Director is conferred upon the Management Board of the Agency.
- 2) Article 9(l) further specifies that the above-mentioned rules shall contain rules on the composition of the selection committee ensuring independence and impartiality.
- 3) Article 23 of Regulation (EU) 2015/2219 describing the selection and appointment of the Executive Director, lays down specific roles for the Management Board, the Commission, the selection committee and the Chairperson of the Management Board.
- 4) The appointment procedure shall take place following an open and transparent selection procedure.
- 5) It is important to ensure that the selection procedure is not vitiated by conflict of interest.

¹ OJ L 319, 4.12.2015, p.1.

² OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15.

³ Decision 05/2016 of the Management Board on the rules of procedure of the Management Board of the European Agency for Law Enforcement Training (CEPOL) and repealing Decision 08/2016/GB of the Governing Board of the European Police College, adopted on 27 October 2016.

HAS DECIDED AS FOLLOWS:

Article 1 - Establishment of a selection committee

1. A selection committee shall be set up by the Management Board, composed of members designated by Member States and the Commission.
2. To ensure the smooth running of the selection committee each member of the selection committee shall have an alternate member. The alternate member shall represent the member in his or her absence or in case the member of the selection committee has declared a potential or actual conflict of interest⁴ creating a risk of impairing his/her independence, objectivity and impartiality. The decision on whether there is such a situation or not shall be entrusted to the Chairperson of the Management Board
3. The number of members of the selection committee is set to five, one of which shall be designated by the Commission. The Commission shall further designate one alternate member as well. The designation shall take place at least one month prior to the publication of the vacancy notice for the post of the Executive Director.
4. The Chairperson of the selection committee shall be designated on the basis of voting among the members of the selection committee.
5. The Management Board shall invite the Members States to propose one candidate for the position of the member of the selection committee and one candidate for the position of alternate member for the selection committee, at least one month prior to the publication of the vacancy notice for the post of the Executive Director.
6. The members of the Management Board shall receive the list of candidates for constituting the selection committee and shall indicate up to four candidates each. The four candidates with the highest preference rate shall constitute the selection committee. Subsequent four candidates in terms of preference shall be their alternate members.

Article 2 - Tasks of the selection committee

1. The selection committee shall draw a list of candidates, whose profile matches best the requirements for the function as laid down in the vacancy notice. To this end, it may invite candidates for an interview and testing by an assessment centre.
2. The Commission shall forward a list of candidates to the Selection Committee, indicating the candidates who fulfil the eligibility criteria as laid down in the vacancy note, and all other candidates who have applied for the post of the Executive Director of CEPOL. Only candidates identified to meet the

⁴ The notion 'conflict of interest' is to be interpreted by reference to the decision 32/2014 of the Governing Board of the European Police College adopting the European Police College's policy on prevention and management of potential conflict of interest.

eligibility criteria shall take part in the further selection process of the Selection Committee. Upon receipt of the applications, the members of the selection committee shall declare any potential conflict of interest in respect to the candidates.

3. Prior to the transmission of the applications, the selection committee shall prepare a set of questions reflecting the criteria as defined in the vacancy notice and prepare an assessment grid.

4. On the basis of the list of applications submitted by the Commission, the selection committee shall carry out a pre-selection on the basis of CV and motivation letter and identify candidates for further interview.

5. Candidates identified as per Article 2(4) shall undergo, before their interview with the selection committee, testing by an assessment centre run by an external consultant.

6. On the basis of the results of the interview, as well as the assessment centre, the selection committee will draw the shortlist referred to in Article 2(1).

7. The shortlist referred to in Article 2(1) shall contain at least the names of three candidates.

Article 3 - Support to the work of the selection committee

1. The selection committee shall be supported in its work by a secretariat function that CEPOL shall provide.

2. The secretariat function shall be composed of at least one staff member from the Human Resources sector of CEPOL assisted by an additional staff member from the Governance team of CEPOL.

Article 4 - Tasks of the Management Board

1. The Management Board shall appoint the Executive Director from among the candidates whose names are listed in the shortlist referred to in Article 2(1).

2. All candidates mentioned in the shortlist referred to in Article 2(1) shall be called for an interview with the Management Board.

Article 5- Deliberations and voting

1. The Management Board shall take its decision to appoint the Executive Director taking into consideration the results of the assessment and the outcome of the interviews.

2. The members of the Management Board upon receipt of the list referred to in Article 2(1) shall declare any potential or actual conflict of interest in respect to one or more shortlisted candidates. In case of a potential or actual

conflict of interest creating a risk of impairing the independence, objectivity and impartiality of the member of the Management Board, the alternate member shall be requested to take part in the deliberations and the voting.

3. A vote shall take place by secret ballot. The candidate that receives a two-thirds majority of the votes shall be elected. When none of the candidates receive a two-thirds majority in the first round, a second round of voting shall run at the end of which the candidate(s) with the lowest number of votes shall be excluded. When only two candidates are left, rounds of voting shall run until one candidate receives a two-thirds majority.

Article 6- Concluding the employment contract

1. For the purposes of concluding a contract with the successful candidate, CEPOL shall be represented by the Chairperson of the Management Board.

Article 7- Final provision

1. The present Decision shall enter into force on the day following that of its adoption.

Done in the Netherlands on 7 December 2016

For the Management Board

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Mrs Frederike Everts MPA

Chair of the Management Board