

Decision by the Management Committee of the Body of European Regulators for Electronic Communications (BEREC) on middle management staff

THE MANAGEMENT COMMITTEE,

Having regard to the Staff Regulations of Officials of the European Communities (hereinafter "SR") and the Conditions of employment of other servants of those Communities (hereinafter "CEOS") as laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68, and in particular Articles 2, 4, 5, 7, 29 and 44 thereof,

Having regard to the Council and European Parliament Regulation (EC) No 1211/2009 of 25 November 2009 establishing the Body of European regulators for Electronic Communications (hereinafter "BEREC") and the Office and in particular Article 10 thereof,

In agreement with the European Commission pursuant to Article 110 of the SR,

The Staff Committee of the BEREC Office, which is to be consulted pursuant to Article 110, paragraph 1, second sentence, of the Staff Regulations, has not yet been constituted and it is therefore impossible at the present to comply with the requirements of that provision. The Staff Committee will be invited to give its opinion on the relevant implementing rules when it has been constituted and due consideration will be given to any such opinion. The Management Committee is entitled in such circumstances to approve the rules forthwith.

Whereas:

- (1) The role and responsibilities of middle management staff should be laid down clearly.
- (2) A special trial period for newly-appointed middle managers should be introduced.

HAS ADOPTED THIS DECISION:

Article 1

Definitions

1. Middle management functions to which this decision applies are those of head of unit as referred to in Article 44(2) SR which involve the permanent and continuous management of an administrative structure as defined in paragraph 2;

This means that only the functions of Head of Administration and Finance and Head of Programme Management are covered by this decision.

These posts shall be filled at grades AD 9 to 12.

2. Units are administrative structures that meet the following criteria:

- they appear in the BEREC Office official organisation chart approved by the Management Committee and

- they are justified by an overall evaluation considering the size, the number of AD staff, the complexity and sensitivity of its tasks, the budgetary impact and a comparison to other units with similar tasks within the BEREC Office and in other Agencies.

In the event of a change in the organisation chart, a net increase in management functions shall be justified and documented in the Staff Policy Plan.

3. In certain cases deputy heads of unit and heads of sector may carry out management tasks delegated to them by the heads of unit. Even if they appear in the BEREC's official organisation chart, they are not part of the middle management staff.

Article 2

Role of middle managers

Heads of Units shall demonstrate ability in human resources management or in financial management or both, as appropriate, as well as (where required) the specific knowledge or qualifications or both relevant to the particular post.

The role and responsibility of Head of Unit shall include the following:

- issue guidelines for policies and actions to his/her unit on the basis of the mission statement and annual work programme of the BEREC Office. He or she shall define the unit work programme, coordinate work within the unit and with other units and represent the unit at important meetings.
- act as the main channel for the exchange of information between senior management and the various members of the unit.
- have overall responsibility for the management of the human resources of the unit and, where appropriate, its financial resources.

Article 3

Publication of a post and filling it

The post of Head of Unit shall be filled by the appointment of a temporary agent. The Management Committee may decide:

- to re-assign a temporary agent to the post in the interest of the service pursuant to Article 7 (1) of the Staff Regulations provided that the duties of the post are appropriate to his or her grade, and that he/she already occupies a middle management post or has occupied such a post and has not ceased to exercise management duties because of insufficient managerial ability or voluntary opt-out in application of Article 7 (1) or (3) below.

- to advertise the post in the BEREC Office, before making an external publication of the vacant post. If the post is advertised internally, the post shall be published at a range of grades corresponding to the functions. The post shall be reserved to candidates of the same function group and whose grade is within this range of grades. Successful candidates shall be appointed at the grade held on their previous post in the Agency. For candidates of the Interagency Job Market, Article 32 of the Staff Regulations and the decision concerning the criteria applicable to classification in grade and step on appointment or engagement as well as any decision of the Management Committee of the BEREC Office implementing this provision shall apply concerning the classification in step.

- to publish the post externally and to launch a selection procedure in accordance with the decision on the engagement and the use of temporary agents.

If the post is published externally, it shall be published at one grade out of the grades AD9 to AD12.

Article 4

Eligibility

1. If the post is published internally, the applicant to be appointed must

- have been selected according to a selection procedure pursuant to Article 3 of the Decision on general implementing provisions on the procedure governing the engagement and use of temporary agents in the BEREC Office
- be in grade AD 9, AD 10, AD 11 or AD 12;
- possess the qualifications specified in the vacancy notice;
- possess the competencies set out in Annex I to this decision.

2. If the post is published externally, the applicant to be appointed must

- have been selected according to a selection procedure pursuant to Article 3 of the Decision on general implementing provisions on the procedure governing the engagement and the use of temporary agents in the BEREC Office.
- possess the qualifications specified in the vacancy notice;
- possess the competencies set out in Annex I to this decision.

Article 5

Training

1. Newly appointed heads of unit shall be required to follow a management preparation course before or within three months of taking up their duties. Management courses listed in the Commission's training catalogue and followed by an applicant during the

five years prior to publication of the post may be validated by the appointing authority as management courses.

2. As an alternative; the temporary agent may demonstrate to the appointing authority that he or she has already acquired the management qualifications required by successfully completing courses of training for management functions.

Article 6

Trial period

1. All those newly appointed to a head of unit position without having served at least two years as a head of unit whether in the BEREK Office, in the European Institutions¹, bodies, offices or other Agencies (including new heads of unit recruited following an open selection procedure), shall serve a special management trial period of nine months as a ‘probationer head of unit’.

The reporting officer shall be the Administrative Manager. The final assessment shall be drawn up in writing and countersigned by the ‘probationer Head of unit’. A ‘probationer head of unit assessment sheet’, covering final assessment, is provided in Annex II.

2. For temporary agents already in service, the final assessment as manager shall be drawn up before the end of the probationary period. This assessment shall be attached to the next Career Development Review provided for in Article 43 of the Staff Regulations/Article 15 of the CEOS.

In exceptional circumstances, the management trial period may be extended by up to six months by the Vice Chair of the Management Committee in order to give the probationer manager time to remedy perceived deficiencies.

If at the end of the process (i.e. after 15 months maximum) the probation is deemed to have been unsuccessful (meaning at least one ‘insufficient’ in the assessment sheet), the Vice Chair of the Management Committee will take a decision on the reassignment to a non-management position. The Joint Evaluation Committee as referred to in the Management Committee Decision on general provisions for implementing Article 43 of the Staff Regulations shall give its opinion on any proposal within 10 working days after submission of this proposal, after which the Vice Chair of the Management Committee shall take his/her decision.

3. For ‘probationer middle managers’ newly recruited as temporary agents following an external selection procedure, the final assessment as manager shall be drawn up before the end of the probationary period. This assessment of management ability does not replace the normal probation report provided for in that Article.

In exceptional circumstances, the management trial period may be extended by another three months by the Vice Chair of the Management Committee in order to give the probationer manager time to remedy perceived deficiencies.

¹ Or two years as head of cabinet, or as an AD 13 / AD14 legal adviser in the Legal Service.

If at the end of the process (i.e. after 12 months maximum) the probation is deemed to have been unsuccessful, the Vice Chair of the Management Committee will take a decision proposing termination of the employment. The Joint Evaluation Committee as referred to in the Management Committee Decision on general provisions for implementing Article 43 of the Staff Regulations shall give its opinion on any proposal within 10 working days after submission of this proposal, after which the Vice Chair of the Management Committee shall take his/her decision.

Article 7

Reassignment to a non-management position

Heads of Unit may be reassigned to a non-management position whilst keeping their grade. Reassignment to a non-management position shall be distinguished from reassignment resulting from the procedure provided for in Article 51 of the Staff Regulations.

Reassignment to a non-management position shall be possible in the following cases:

1. Insufficient managerial ability as a head of unit

1.1. Reassignment following the trial period.

A procedure for reassignment to a non-management position may occur following the end of the trial period for a newly appointed Head of Unit provided for in Article 6 (3).

1.2. Reassignment at any stage during a managerial career.

A procedure for reassignment to a non-management position may occur at any stage when a Head of Unit is deemed not to have met the required management standards in two successive Career Development Reviews. Unmet standards means a 'poor' or an 'insufficient' in the CDR sheet, related to possible deficiencies in management ability.

Before a decision is taken, the case shall be further assessed by one staff member designated by the Vice Chair of the Management Committee, who must have at least the same grade as the middle manager and shall not be in any conflict of interest. The "designated staff member" shall draw up conclusions.

Following the opinion of the "designated staff member", the final decision shall be taken by the Vice Chair of the Management Committee.

2. Amendment of the organisation chart of the BEREC Office

In cases where a management post ceases to exist as a consequence of redeployment or the amendment of the organisation chart of the BEREC Office a head of unit may be reassigned to a non-management position.

Persons who were reassigned to a non-management position under the conditions as described in this paragraph, may be reassigned by the Vice Chair of the Management

Committee to head of unit posts in the interest of the service pursuant to Article 7 of the Staff Regulations.

3. Voluntary opt-out

A Head of Unit may ask to be allowed to opt out of a management position at any stage during his or her career. The request shall include a detailed explanation of the reasons for wishing to opt out, and implies a formal acceptance of reassignment to a unit under the supervision of a Head of Unit. Where a staff member who has opted out under this paragraph subsequently reapplies for a management post he shall go through the standard selection procedure set out above.

Article 7

Entry into force

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

Done on 23 December 2010

For the Management Committee

Chris Fonteijn
2010 Vice-Chair

ANNEX I
ABILITIES REQUIRED TO APPLY FOR A MIDDLE MANAGEMENT POST

The abilities referred to in Articles 6 are the following:

I – The core abilities are:

- General *management* skills, including:
 - The ability to set and revise objectives for the unit within the overall strategic framework of the BEREK Office.
 - The ability to determine and focus on priorities and to monitor and evaluate the progress made towards achieving the objectives set, in cooperation with the members of the team.
 - The ability to choose co-workers suited to the efficient pursuit of the unit's objectives.
 - The ability to empower members of the team while ensuring that they understand what is expected of them and how their work contributes to the unit's objectives.
 - The ability to motivate members of the team to achieve the desired results and also to enable them to achieve their objectives and greatest potential.
- *Communication skills*
 - Ability to communicate clearly and present complex subjects simply, both orally and in writing, including to the members of the team.
- *Interpersonal skills*
 - Ability to deal with people effectively and courteously and to build productive and cooperative working relationships with other units and colleagues.
- *Negotiation skills*
 - Ability to steer discussions and generate the best possible results without compromising productive working relationships with the other parties involved.

II - **Technical qualifications** include points of the following type:

- *Familiarity with administrative, financial and oversight issues.*
 - Staff members must have a good knowledge of the administrative and financial circuits within the BEREK Office and, ideally, experience of them. Knowledge of the relevant procedures would clearly be an additional asset. A high degree of competence in handling budgetary resources could be of key importance, depending on the post in question.

III - **Specialist knowledge** comprises points such as:

- *Knowledge of Union policies, languages, legislation and programmes, where relevant to the post in question*

Occupying a head of unit post efficiently and effectively requires possession of these competencies to a high degree. The relative weighting of the various elements will depend largely on the particular features of each post.

ANNEX II

PROBATIONER [HEAD OF UNIT] ASSESSMENT SHEET FINAL ASSESSMENT OF MANAGEMENT CAPACITIES FOR PROBATIONER [HEAD OF UNIT]				
Ms/Mr :	Unit:			
Start of the probation period: dd/mm/yy	Staff in the Unit:			
Main tasks of the Unit:			
Objectives:			
Performance indicators:			
MANAGEMENT COMPETENCIES				
	Good	Average	Insufficient	Motivation
Leadership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management of people (i.e. capacity to motivate and delegate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Working with others	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fixing objectives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Delivery of results (where appropriate, management of finance)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communication (and where appropriate, negotiating skills)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Opinion of the [reporting officer]:				
<input type="checkbox"/> Successful		<input type="checkbox"/> Unsuccessful		
.....				
.....				
Date:	Signature:			
Probationer [head of unit]:				
Date:		Signature:		
Recommendation to the Vice Chair of the Management Committee (only for final assessment)				
<input type="checkbox"/> Establishment as [Head of Unit]		<input type="checkbox"/> Prolongation of the trial period.		
<input type="checkbox"/> Re-assignment to a non-management position				
<input type="checkbox"/> Termination of contract				
Date:.....		Signature:.....		
		<i>Administrative Manager</i>		