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Promotions: a new drift of our Administration or just a mishap?



For almost 5 years now we have noticed a drift which does not seem to us justifiable on the part of certain General Directorates and this with the blessing of DG HR.

What are we talking about? Promotions below 2 years enjoyed by colleagues against any credible justification.

Indeed, if we consider [the statute](#) and [its article 45](#) which stipulates: "...It (the promotion) is made exclusively by choice, among the civil servants justifying a **minimum of two years of seniority in their grade**, after comparative examination of the merits of the civil servants to promotion. but also: "...For the purposes of the comparative consideration of merits, the appointing authority shall take into account, in particular, **the reports** of which officials have been the subject,..."

So what does a report mean? for this, reference should be made to [Article 43](#) of the Staff Regulations which stipulates: "The competence, performance and conduct in the service of each civil servant shall be **the subject of an annual report** under the conditions laid down by the authority vested with the power of appointment of each institution under Article 110. **This report indicates whether the level of performance of the official is satisfactory or not.** Consequently, a probationary report as provided for by the statute upon entry into service cannot be a comparative reference as recalled by the judgment of the court [T511/18](#), therefore, to confirm the principle of article 45 (the reports), it can only be done based on so-called 'annual reports, moreover finalized'.

Once these premises are laid down, one must ask when a civil servant can be promoted? for this it is necessary to refer first to the **General provisions for implementing (GIPs) of article 45** which confirms in its article 3: Promotable officials that:

An official may be subject to a decision for promotion if, cumulatively,

- he has acquired, no later than 31 December of the year of the promotion exercise, the minimum seniority in the grade required by Article 45(1) of the Staff Regulations,
- he has demonstrated, before his first promotion after recruitment, his ability to work in a third language among those referred to in Article 314 of the EC Treaty²,
- he is in active employment, on parental or family leave, on leave for military services or seconded in the interest of the service on the date of the adoption of the promotion decisions by the appointing authority, and
- **his evaluation reports have been made final under Article 5(7) or Article 6(4) of the general provisions implementing Article 43 of the Staff Regulations** if a report was required under Article 2 of these same provisions. In cases where an appraisal report has not been finalized due to a delay that is not attributable to the jobholder, the jobholder nevertheless participates in the promotion procedure based on other elements of valid information supplementing the absence of a staff report and may therefore be the subject of a decision for promotion.

But also, to the [GIPs of article 43](#) which indicates in its article 2: “Annual evaluation exercise”

1. Each year, **a report covering the period from 1 January to 31 December of the previous year** (hereinafter the "**reference period**") must be drawn up for each postholder who has been in service or seconded to the interest in the service for a continuous period of at least one month during the reference period.
2. Each report shall include an individual qualitative assessment of the job holder's performance, competence and conduct in the service. This report covers all the job holder's professional activities.

But also, in **(a) of paragraph 3 of article 5**: Evaluation procedure:

3. The assessor then holds a formal dialogue with the job holder. The assessor may, with the agreement of the jobholder, ask one or more other jobholders who have supervised the work of the jobholder to participate in the dialogue.

This dialogue constitutes one of the fundamental management tasks for the evaluator. During the dialogue, the assessor, together with the job holder:

- (a) **assess the performance of the jobholder during the reference period**. The assessor examines, jointly with the job holder, the latter's performance, the skills he has demonstrated and his conduct in the service during the reference period;
- (b) identifies the job holder's training needs.

Why then do we speak of drift?

For the simple and good reason that in recent years the unjustified increase in promotions for less than 2 years has only exploded! see the table below to confirm this.

Promotions in less than 2 years over the last 5 years:

| <u>2023</u> | <u>2022</u> | <u>2021</u> | <u>2020</u> | <u>2019</u> |
|-------------|-------------|-------------|-------------|-------------|
| 76 | 81 | 74 | 38 | 28 |
| AD=73 | AD=72 | AD=69 | AD=35 | AD=21 |
| AST=3 | AST=9 | AST=5 | AST=3 | AST=5 |
| SC=0 | SC=0 | SC=0 | SC=0 | SC=0 |

Why is it important to sound the alarm today? because if there may be special cases (available quotas that must be used, recruitment on the 16th of January, see a little later), as is confirmed in the framework note from DG HR, in particular of March 31, 2023 (Ares(2023)2329142), which recalls that if promotions after January 01, 2023 (reminder that this is outside the reference period for taking the annual report into account) is **technically** possible, these promotions extremely fast **must remain exceptional** and very strongly justified, but in recent years this no longer seems to be the case.

But also, when a promotion is given when the year has not ended with a report, which establishes the qualities of services, performance, skills, and responsibilities, it is giving a white breast for the future, it is as if **we are giving a 'good to proceed with payment', even before having established a 'conforme aux faits'**, a point that is highly difficult to conceive in all the other areas within our administration and which does not exist elsewhere anywhere else!

Therefore, **the Federation (FFPE)** deplores an unjustified increase in proposals under two years, devoid of relevant justification, simply because the DGs can do it and the HR covers this possibility with technical contortions.

The Federation (FFPE) urges the DGs, DG HR, but above all Commissioner Hahn's Cabin, to curb this frantic race which reflects the image of an administration which little account of the rules which it itself has enacted. It is time to correct the situation before it is too late and the demotivation and injustice felt by colleagues, already great, turn into a total loss of confidence in our institution.

Our institutions are sufficiently challenged by the various cases which only create new "...gates", it's time to show our colleagues that we can still have confidence in our administration!

We ask DG HR to return to a fair situation and put an end to a drift which would quickly lead to arbitrariness taking the place of merit.

The Federation

You will never walk alone !