

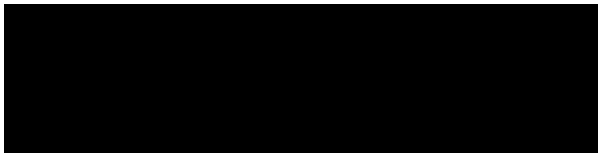
**From:** [REDACTED]  
**Sent:** 28 March 2022 18:34  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Decision on promotion - for final comments  
**Attachments:** decision promotions-final draft-250322.docx



Dear [REDACTED],

As agreed today, could you send your possible comments on the promotion decision?  
May I ask you to send them by tomorrow COB as it has to be sent to the Staff Committee for consultation, but I'll wait for a – possible – revised version.

Many thanks!

[REDACTED]



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EUROPEAN DATA PROTECTION SUPERVISOR

Brussels, [...03.2022](#)

**DECISION OF THE EUROPEAN DATA PROTECTION SUPERVISOR**

**adopting general implementing provisions concerning promotion**

**THE EUROPEAN DATA PROTECTION SUPERVISOR,**

**HAVING REGARD TO** the Staff Regulations of Officials of the European Union, and  
in particular Articles 6, 45 and annex I thereto,

**HAVING** consulted the Staff Committee,

**WHEREAS** the promotion system introduced by the EDPS Decision ~~s~~ 3-8-ter of 2017  
needs to be adapted in view of aligning the promotion system of the EDPS  
with the promotion system of the European Commission, in particular  
regarding the way the two years seniority in the grade is calculated, as  
referred to in art. 45.1. This will allow the

EDPS to remain an employer of choice,

the regulation (CE) n°45/2001 is no longer applicable since 25 May 2018,

Articles 2, 3 and 6 need to be adapted.

HAS DECIDED AS FOLLOWS:

## Article 1 - General provisions

This Decision defines the EDPS's policy on career progression. This policy aims to ensure harmonious career progression with a more rapid promotion for the most deserving colleagues.

This Decision applies to the promotion of officials in service in the EDPS secretariat and in the EDPB secretariat.

The EDPS shall promote officials based on a comparative assessment of the merits, which they have shown in their current grade, as well as based on their potential to perform the duties associated with the higher grade.

When considering comparative merits, the Appointing Authority shall take account in particular:

~~(a) of the appraisal reports of the officials drawn up since their last promotion or, failing that, since their recruitment;~~

~~(b) the use by the officials in the execution of their duties of languages other than the language for which they produced evidence of thorough knowledge in accordance with Article 28(f) of the Staff Regulations;~~

~~(c)~~

~~(a) the merits of the officials. The concept of "merit" encompasses elements such as the ability to assume additional responsibilities, the implementation of a project, the type of duties performed, the level of responsibility exercised, the level of services rendered and the availability.~~

~~(b)~~

If officials eligible for promotion have equal merit based on the factors referred to above, the Appointing Authority may give subsidiary consideration to other factors.

The institution must ensure, with a concern for equal treatment that every deserving official can regularly advance to higher grades. This advancement must take effect according to a career progression plan, within the budgetary framework.

## Article 2 - Scope

These general implementing provisions shall apply to the promotion of officials, with the exception of those in a grade higher than AD 13.

They shall not apply to promotions pursuant to Article 29(I)(a)(iii) of the Staff Regulations.

Promotions shall be exclusively granted by selection among serving officials who have completed a minimum of two years in their grade by 31 December of the year of the promotion exercise.

Officials shall be required to demonstrate before their first promotion after recruitment, the ability to work in a third language among those referred to in Article 55(1) of the Treaty on European Union.

The detailed arrangements for assessment of officials' ability to work in a third language are laid down in the

Decision of the European Data Protection Supervisor of 25 September 2006.

Officials may be promoted if, at the time of the launch of the promotion exercise pursuant to Article 3 of this Decision, they occupy a post which corresponds to one of the types of post set out in Annex I, Section A, or in Article 30(1) or Article 31(1) of Annex XIII to the Staff Regulations for the grade to which they may be promoted.

### **Article 3 - Procedure**

After the appraisal exercise has been completed, and no later than the 30th of April of the year of the promotion exercise, the EDPS shall publish a list of officials eligible for promotion for a period of ten working days.

Based on the criteria set out in Article 1, the Appointing Authority shall draw up a list of promoted officials within 30 working days of the end of the period during which the list of officials eligible for promotion was published. In view of making his decision, the Appointing Authority shall consult the Heads of Unit and Sector. In an effort to remain transparent in case of appeals, the Head of the Secretariat Appointing Authority shall mention in writing the reason(s) why the officials listed on the promotion list have or have not been promoted, especially, concerning the criteria stated under Article 1, in the cases where promotable candidates have received an appraisal report of similar nature.

The Heads of Unit and Heads of Sector shall not take part in the discussions concerning their own promotions.

Once the availability of budgetary resources has been checked, the list of promoted officials shall be published within 5 working days of being drawn up by the Appointing Authority. The Appointing Authority shall then effect the promotions.

Promotions shall take effect retroactively on 1 January of the year of the promotion exercise. If, on that date, the official does not have two years of seniority in the grade, the promotion shall take effect on the first day of the first full month during which he or she possesses the two years of seniority.

Publication of the list of officials promoted constitutes communication of the decision within the meaning of Article 25 of the Staff Regulations. The period of three months in which to lodge a complaint, provided for in Article 90(2) of the Staff Regulations, starts to run on the day following that of the publication of the list.

### **Article 4 - Appeals and Joint Committee**

An official who wishes to contest the decision concerning the list of officials eligible for promotion, or the decision not to promote him/her, may file an appeal, before submitting a complaint pursuant to Article 90 (2) of the Staff Regulations.

The official shall have a period of ten working days in which to submit an appeal to the Head of the Human Resources, Budget and Administration Unit, indicating, with reasons, the point(s) with which he/she disagrees. The official may indicate that he/she intends to refer the matter initially to the Joint Committee. In this case, the Head of the Human Resources, Budget and Administration Unit shall forward the appeal to the Joint Advisory Committee for an opinion.

The Appointing Authority shall take the final decision after consulting the Supervisor and within 15 working days of the submission of the appeal or within 10 working days of delivery of the Joint Committee's opinion, if the matter is referred to the Joint Committee.

#### **Article 5 - Joint Advisory Committee**

The Joint Advisory Committee shall consist of two members, one appointed by the Appointing Authority and the other from amongst the members of the Staff Committee, excluding the official who submitted the appeal.

The Joint Advisory Committee shall deliver a reasoned opinion within 10 working days of receipt of the request. It may consult whomever it wishes and request any document or written information that it considers relevant.

The Committee's opinion shall reflect the views expressed by its members, as well as the failure to reach an opinion if it has been unable to do so.

The Joint Committee shall send the opinion to the Head of the Human Resources, Budget and Administration Unit, which in turn shall forward it to the Appointing Authority and the Supervisor and to the official who submitted the appeal.

#### **Article 6 - Data protection**

Any processing of personal data for the purpose of applying this Decision shall be subject to Regulation (EU) No 2018/1725.

Officials may exercise the right of access to data concerning them and the right to rectify that data by contacting the Head of the Human Resources Unit, in compliance with the promotion and appeals procedures laid down by this Decision. Data subjects shall have access to their data but not to the individual comments made in the discussions or to comparative data.

The time for which decisions concerning promotion may be kept in the personal file shall be 10 years from the departure of the staff member or from the last pension payment. Other data shall be retained for 7 years after the end of the procedure.

Any electronic documents produced during the promotion procedure must be deleted 2 years after the end of the procedure.

#### **Article 7 - Final and transitional provisions**

[This decision repeals the EDPS decision on the general implementing provisions concerning promotions adopted on 24 may 2017.](#)

This decision shall enter into force on the date of the signature.

Done at Brussels, on xx.03.2022.

Leonardo CERVERA-NAVAS

Director