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RECRUITMENT AND EQUAL OPPORTUNITIES SYSTEMS

Women's Rights Series

FEMM 110A EN

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Key

B: Belgium
DK: Denmark
D: Germany
EL: Greece
E: Spain
F: France
IRL: Ireland
I: Italy
L: Luxembourg
NL: Netherlands
A: Austria
P: Portugal
FIN: Finland
S: Sweden
UK: United Kingdom

EU: The European Institutions (European Commission, Secretariat-General of the Council of the EU, Secretariat-General of the European Parliament, Secretariat-General of the Committee of the Regions and the European Investment Bank). The other Institutions (Court of Justice, Court of Auditors and Economic and Social Committee) have not published any plans or programmes relating to equal opportunities within their secretariat.

CE: Secretariat of the Council of Europe

UN: Secretariat of the General Assembly of the United Nations

Summary and comparative table of the basic characteristics of recruitment systems and equality policy in the civil service in Member States, European Institutions and International Organisations

	B	DK	D	EL	E	F	IRL	I	L	NL	A	P	FIN	S	UK	EU	C/E	UN
Conditions of entry																		
Training required	X	*	X	X	X	X	X	*	X	*	X	X	*	*	X	X	X	X
Training period	N	N	N	X	X	X	N	X	X	N	X	X	D	N	N	N	N	N
Probation period	X	X	X	X	X	X	X	X	N	X	X	X	D	D	D	X	X	X
Upper age limit	X	N	X	X	*	*	X	N	X	N	X	N	N	N	*	X	X	X
Nationality laid down by law	X	X	N	X	X	X	N	X	X	X	N	X	N	N	N	X	X	X
Statutory language requirements	X	N	X	N	N	N	N	N	X	X	X	N	X	N	N	X	X	X
Other requirements	X	N	X	X	X	X	X	X	X	X	X	X	N	D	X	X	X	X
Professional experience assessed	*	X	*	*	*	*	X	X	*	X	*	*	X	X	X	X	X	X
Recruitment procedures																		
Regular competition	X	N	N	X	X	X	X	X	X	N	N	X	N	N	N	X	X	X
Central authority	X	N	N	X	N	X	X	N	X	N	N	N	N	N	N	N	X	X
Advertising of vacancies	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Applicants' rights against procedure	X	X	X	X	X	X	X	X	X	X	N	X	X	X	X	X	X	N
Equal opportunities policy																		
Legal recognition	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Equal opportunities manager	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Special programmes	X	X	X	X	X	X	X	X	N	X	X	X	X	X	X	X	X	X
Positive action	X	D	X	X	X	X	D	X	N	D	X	X	X	X	X	X	X	X
Quotas in favour of women	N	—	N	D	N	N	N	X	N	D	X	N	X	—	N	N	N	N
Compensation procedure	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	—	—

X: Yes N: No *: Assessed on case-by-case basis
 —: Answer not known at time of completion of text
 D: At the discretion of the public authority

INTRODUCTION

The aim of this summary is to introduce the working document compiled by the European Parliament Directorate-General for Research entitled 'Recruitment and Equal Opportunities Systems', *Women's Rights Series*, FEMM 110FR¹. The aim of this study is to describe and analyse the specific aspects of the various recruitment systems and equal opportunities policies for men and women of the civil services of the Member States of the Union, the European Institutions and international organisations (the Council of Europe and the United Nations).

Despite the many differences that exist in the structure of the international civil service, there are nevertheless a number of similarities on the basis of which a comparative analysis can be made. It should, however, be emphasised that this study has been centred, generally speaking, on officials whose status is public - in other words, civil servants.

In **Section 1**, after establishing a definition of 'civil service', the study carries out an analysis of the recruitment systems and equal opportunities policies of the Member States of the European Union. In all States entry into the civil service is governed by a number of specific conditions. The selection procedures used for recruiting civil servants, however, also show differences. Equal rights between men and women are established in all Member States. In most of them these equal rights are not only regulated by the law, but are also a constitutional principle. All Member States, with the exception of Luxembourg, have set up specific programmes aimed at promoting equal opportunities and have nominated managers within their departments. However, the number of so-called 'positive steps' taken to ensure equal rights differs considerably between States - from a clearly defined quota of posts reserved for women to a simple declaration stipulating that the authority concerned is an employer that favours equal opportunities.

Section 2 analyses recruitment systems and equal opportunities policies within the European civil service. The various institutions recruit civil servants and other employees separately, but a growing number of inter-institutional competitions are being organised. With regard to equal opportunities, the institutions are making an effort to include this aspect in all Community policies. In the context of staff policies, most European institutions have adopted positive action programmes aimed at favouring the employment of women at all levels, especially in the higher grades. The institutions have also equipped themselves with internal equal opportunities structures known as Joint Committees on Equal Opportunities or COPECs (Comité pour l'Égalité des Chances).

Section 3 offers an overview of the initiatives taken in the Secretariat of the Council of Europe and the Secretariat of the General Assembly of the United Nations to ensure equal rights in recruitment.

A summary table at the head of this abridged edition provides key information on the themes covered by the working document. This table is split into three sections (Conditions of entry, Recruitment procedures, Equal opportunities policy), each giving details on the statutory provisions on equal opportunities in the civil services of the Member States, the European Institutions, the Council of Europe and the United Nations.

¹ European Parliament, Directorate-General for Research, Working Paper, 'Recruitment and Equal Opportunities Systems', *Women's Rights Series*, FEMM 110 FR.

1. The Member States of the European Union

The first section of this study is based essentially on the work carried out at the European Institute of Public Administration in Maastricht in 1995, which led in 1996 to the publication in English, French and German of *Civil Services in the Europe of the Fifteen: Trends and New Developments*, written by Robert Polet, Christoph Demmke and Astrid Auer.

It is undoubtedly a good idea to begin by defining the scope of what constitutes a 'civil service'. The definition is not in fact the whole of a public service, which includes the central State administration as well as regional, provincial and municipal administrations, and in France, for example, the hospital civil service. In the same way, public servants (also known as civil servants in some countries) in public enterprises, whose status is often similar to that of State officials, are not included either. The term is limited to the central or federal administrative authority of the European Member States.

1.1. The Civil Service

A study of civil service staff numbers in the Member States of the European Union has revealed, for the administrative civil service and the non-market public sector, a total of almost 23 million officials. The Civil Service alone accounts for only 11.5 million; therefore, local administration represents half. The central and regional civil service of federal or semi-federal countries employs a further 5 million officials.

1.1.1. The Civil Service and the European Union: the civil service, a national prerogative

The European Union has no formal competence with regard to the civil services of its Member States. The only clear reference to 'public administration' in the Treaties is that in **Article 39** of the European Community Treaty (Amsterdam version), which lays down the principle of freedom of movement of workers and stipulates in its **paragraph 4** that 'the provisions of the present article shall not apply to employment in the public service'.

This basic principle having been established, it is therefore clear that the organisation and operating regulations of the civil service authorities of Member States fall exclusively within their competence. The principle of subsidiarity therefore applies.

With regard to freedom of movement of public officials, the Court of Justice of the European Communities has clearly established that the exception defined in Article 39(4) cannot nullify the actual objective of the Treaty in this regard, which is to facilitate free movement and not restrict it. This provision must therefore be interpreted within limits.

The only public service officials excluded from this basic principle of freedom of movement are the holders of posts 'involving direct or indirect participation in the exercise of powers conferred by public law and duties designed to the general interests of the State or of other public authorities'.

Through this policy of freedom of movement, in the same way as through the policy of equal opportunities for men and women and in general, the European Union has therefore worked its way indirectly to the very heart of civil service staff management. This has effectively led to the collapse of a principle traditionally held in all the States, namely that entry into the civil service was reserved for nationals of the State only. Today, the principle of openness of civil service posts, except for the few cases described above, is exercised in every Member State of the Union.

As freedom of movement cannot be limited to entry at the beginning of a civil servant's career, but must also allow mobility across Europe during a civil servant's career, other elements must be brought into play.

In the absence of a Council of Civil Service Ministers in the European Union, an informal cooperation has existed for a number of years now. On this basis, six informal conferences of ministers responsible for the civil service have been held since 1988, and thirty-two six-monthly meetings of civil service directors-general have been organised to date. The 33rd meeting was held in Helsinki, the seat of the European Presidency for the second half of 1999, on 3-4 November.

During these meetings, exchanges of experience in the field of management of public services relate particularly to administrative reforms, modernisation processes, staff management initiatives, social dialogue, developments in quality policy, in decentralisation or devolution policy, or in 'New Public Management'.

1.1.2. Statutory and non-statutory civil service

Some countries make reference to the 'Statute' for civil servants or State officials, while others merely refer to conditions of employment or labour law applicable to staff in public organisations. The rules defining the conditions of employment are most often based on public law and frequently differ from the rules applicable to private sector employees.

Reference is made to 'statutory public duty' when legal standards establish a labour law that draws a clear difference between conditions of civil service employment and conditions governing common labour law. This is the case in France, Belgium, Germany, Spain, Portugal and Greece.

Reference is not made to a 'statute' when civil service law establishes that common labour law is applicable (with a few exceptions) to State officials or civil servants. This is the case in Sweden, Finland, Denmark, the Netherlands and, for some years now, in Italy.

Finally, numerous States employ both staff with 'status', for whom the term 'civil servant' is often reserved, as well as non-statutory or contractual staff.

1.1.3. Organisational systems in the civil service in Member States

A comparison of working conditions in the civil services of European Union Member States shows two very distinct organisational systems: the 'career system' and the 'position system'.

The main aspect of the **career system** is the recruitment of civil servants for a specific career during which they will be promoted; their salaries increase in accordance with statutory regulations. The law provides for basic conditions of access in relation to training. This type of system has a very noticeable hierarchy and is based on various levels of career and career developments. The civil servant is granted a permanent job after completing specific training or a period of probation.

The fundamental principle of the **position system** is that civil servants are recruited not for a specific career but to a specific post, or position. Applicants must satisfy the requirements laid down by the department or agency in question. This system makes no provision for the granting of a permanent job, or for promotion within a statutory career development system. The conditions of the work contract are flexible, in order to respond to individual interests and to the needs of both the department that is recruiting and of the civil servant in the context of collective agreements. Employment in the position system is similar in many ways to employment in the private sector.

It has been noted that an increasing number of States are beginning to combine traits of both these systems. These models can be described as **mixed systems**, as the configuration of the civil services of Member States shows a balance between the two different types of system.

The main characteristics of the two systems, and the Member States concerned, are set out in the **table** below.

The **table** is an approximate attempt at classifying European Union Member States as having one of the two basic systems described above.

Characteristics of the career and position systems

	Career system	Position system
I. Member States	Belgium Germany Greece Spain France Ireland Luxembourg Austria Portugal	Denmark Italy Netherlands Finland Sweden United Kingdom
II. Conditions for entry to the civil service	<ol style="list-style-type: none"> 1. Recruitment to jobs offering career access only. 2. Qualifications and/or specific training for a specific career. 3. Training and/or probation period at start of career. 4. Upper age limit 	<ol style="list-style-type: none"> 1. Recruitment to jobs during career too. 2. No specific training or degree provided for in law, but specific skills are required for specific posts. 3. No training period at beginning of career. 4. No upper age limit.
III. Access by EU nationals	<ol style="list-style-type: none"> 6. Only to career commencement posts, or very occasionally during career. 7. Little value attached to previous professional experience. 	<ol style="list-style-type: none"> 6. To career commencement posts as well as mid-career posts. 7. Professional experience is a selection criterion and can affect starting salary.
IV. Recruitment methods	<ol style="list-style-type: none"> 8. Formal methods. 	<ol style="list-style-type: none"> 8. No formal methods, but recruitment methods similar to those in the private sector.

1.1.4. Levels of regulation of the public services in Member States

Almost all the constitutions of the Member States of the EU contain provisions relating to the civil service, but the nature of the provisions is quite different. The only exception is **Ireland**, where the constitution makes no specific mention of the civil service. The same could be said of the **United Kingdom**, but only because this country does not have a written constitution.

For the other constitutions that contain provisions relative to the civil service, an approximate division into three groups can be made on the basis of common characteristics:

- **Luxembourg and Belgium.** Their respective constitutions lay down basic principles for access to civil service jobs, although they do not contain major provisions particular to the civil service itself.
- **Denmark, France, Netherlands, Spain, Sweden, Finland, Germany, Austria and Italy.** These member states subject their civil service to legal provisions. In addition, the constitutions of these countries contain specific provisions of a formal nature and of crucial importance for the civil service.
- **Greece and Portugal.** These countries have lengthy and detailed constitutional provisions on the subject of the civil service.

In most EU Member States, the basic provisions are laid down in a ‘public administration law’ or ‘civil service code’. The only exceptions to this rule are **Belgium** and the **United Kingdom**. These two countries have hardly any provisions of a legal nature relating to the civil service, but instead make use of secondary legislation, most often in the form of decrees.

In **Belgium**, the Royal Decree of 2 October 1937, establishing the status of officials of the State, is complemented in its turn by numerous implementing provisions.

In **Germany** there exist a framework civil service law, the ‘Beamtenrechtsrahmengesetz’, dated 1 July 1957, general statutes regulating the federal civil service (‘Bundesbeamtengesetz’ or BBG) and the civil service in each Land (‘Landesbeamtengesetze’), as well as texts that complement these laws on certain points.

In **Ireland** there is no single official legal instrument that combines all the regulations governing the civil service, although there are at least two laws that apply specifically to it: the Civil Service Commissioners Act and the Civil Service Regulation Act of 1956. These laws are not, however, a general codification of the provisions applicable to the civil service; these are found in part in other laws and mainly in other regulatory measures that are more or less widely scattered.

In **Italy**, the General State Civil Employees Statute dated 10 January 1957 has been complemented by another text that brings together all the regulatory standards for implementing the legislative statute: the legislative decree dated 3 February 1993 concerning the rationalisation of the organisation of public administration and the review of discipline in the field of public employment.

In **Luxembourg**, the Law of 16 April 1979, that establishes the general status of Officials of the State is complemented by a large number of Grand-Ducal regulations.

In the **Netherlands**, general provisions are contained both in the Law of 12 December 1929 setting out rules concerning the legal status of civil servants ('Ambtenarenwet, AW'), and in the general regulation, concerning the civil service in the Kingdom, dated 12 June 1931 ('Algemeen Rijksambtenarenreglement, ARAR'), as well as a large number of laws and regulations relating to specific matters.

In **Portugal**, the State Civil Service Statute consists of several laws and law-decrees, which unlike the legislation relating to civil servants in local administrative authorities (the Administrative Code) have not yet become the subject of an official compilation.

In **Sweden**, the number of provisions in the law relating to public employment has decreased progressively, giving way to laws governing collective agreements and common labour law.

In the **United Kingdom**, the Civil Service Management Code, or CSC, is the regulatory code that has governed conditions for entry to and work in the civil service since 1 January 1996. This code is the result of the authorisation of the Civil Service Order in Council 1995, given to the minister responsible for the civil service, to take steps aimed at establishing instructions and conditions of service for civil servants.

In **Denmark**, the status of civil servants was established by Law No 201 dated 18 June 1969 relating to civil servants ('Tjenestemandsløv'), complemented by numerous texts that applied from 1990 onwards.

In **Greece**, general provisions relating to civil servants can be found in numerous texts. However, a compilation of the 1951 General Statute and of all the regulatory and legislative measures can be found in the Civil Servants Code, the latest version of which is found in Law No 2683/1999.

In **Austria**, the basic provisions have been established in the Federal Civil Service Law ('Beamten-Dienstrechtsgesetz') of 1979, or the BDG.

In **Finland**, a new Civil Servants Statute was produced in 1994 together with Law No 750/94 concerning State Civil Servants ('Valtion virkamieslaki').

In **Spain**, the State Civil Servants Law ('Ley de funcionarios civiles del Estado') dated 7 February 1964, reformed by various laws, establishes the general status of career civil servants working in the central administration.

Finally, **France** has three laws that make up the General Civil Service Statute: Law No 83-634 dated 13 July 1983 laying down the rights and obligations of civil servants (the Le Pors Law), Law No 84-16 dated 11 January 1984 laying down statutory provisions relative to the State Civil Service, and Law No 84-53 dated 26 January 1984 laying down statutory provisions relating to territorial civil servants. Specific laws and a great number of statutes relative to specific groups of civil servants complement these laws.

1.2. Member States: analysis of recruitment systems and equal opportunities policies in the civil service

The aim of this paragraph is to provide a comparative analysis of the way in which civil servants are recruited in EU Member States, and also to identify the entry conditions common to those States. Most of the differences found between entry conditions and recruitment procedures have their origins in the education systems of the Member States and in the difficulty of comparing educational standards.

With regard to entry conditions, the subjects to be analysed are: the training required for application for a central civil service post, the presence or absence of a prior training period, the obligation to complete a probation or trial period, lower and upper age limits for entry, requirements relating to nationality (especially entry by Community nationals), language requirements, and assessment of previous civil service or private sector work experience.

With regard to recruitment procedures, special mention will be made of the competent recruiting authority, advertising for vacancies, applicant selection methods and rights of applicants against the recruitment procedure.

With regard to equal opportunities, all States have so far adopted legislative measures that effectively transpose **Directive 76/207/EEC**. Nevertheless, they are authorised, by virtue of **Article 2(4)** of that directive, to take measures aimed at promoting jobs for women through the application of special regulations providing for compensation for biological and social inconvenience ('positive action'). Specific measures have been taken in most Member States to compensate for the under-representation of women in the civil service, especially in the highest posts.

Following the Kalanke² and Marschall³ rulings, the EC Treaty was modified in order to introduce the concept of 'positive action', even though that expression is not specifically mentioned. A new paragraph was therefore inserted into **Article 141** in the following terms: 'With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a professional activity or to prevent or compensate for disadvantages in professional careers.' A proposal to alter Directive 76/207/CEE was presented by the Commission to the Council and Parliament, a proposal that was revised after the Amsterdam Treaty entered into force.

This section will therefore analyse the authority or manager responsible for equal opportunities, the existence of special programmes, the adoption of a positive action policy, the introduction of quotas in favour of women and compensation procedures for inequality of opportunities.

² Ruling of 17 October 1995, Case C-450/93, Eckhard Kalanke v. Freie Hansestadt Bremen, Rec. 1995, p. I-3051.

³ Ruling of 11 November 1997, Case C-409/95, Hellmut Marschall v. Land Nordrhein-Westfalen, Rec. 1997, p. I-6363.

1.2.1. Conditions for entering the civil service

Specific conditions governing suitability for entry into the civil service as an official are found in all Member States. Some require degrees or educational courses for various levels of employment. There are also additional requirements such as linguistic competence, enjoyment of civil rights, military obligations, specific age limits and physical suitability for the work. Knowledge of the language(s) of the employing State is a legal requirement in some States, even though *de facto* it is always essential for carrying out the tasks of the job.

* Training required

In **Denmark, Finland, Italy, the Netherlands and Sweden**, no specific training is required by law, although a minimum level of aptitude for the requirements of the specific post vacant will be required. However, a university degree for some high-level posts, as well as specialised studies, are often required.

In **other Member States**, secondary laws or regulations specify the academic qualifications or work experience necessary for a specific career. Most States specify four or five categories of training required for civil service posts, summarised as follows:

- Higher career: full university qualification (master's degree or equivalent).
- Higher middle career: full upper secondary educational qualification, substantiated by a qualification or equivalent work experience.
- Middle career: upper secondary educational and/or professional qualification, substantiated by a qualification.
- Lower career: ordinary educational and/or professional qualification, substantiated by a qualification.

In **Belgium and France**, there are exemptions from the diploma requirement for the middle and lower categories.

* Training period

In **Greece, Spain, France, Portugal, Italy, Austria and Luxembourg**, access to management or upper level posts is granted after completion of a specific training course in an administrative school, most often following an entry competition and with a compulsory examination at the end of the training period. In **Austria**, this period is compulsory for all central public administration posts. In **France**, entry to these courses is reserved for university degree holders or established civil servants.

* Probationary period

In **Finland, Sweden** and the **United Kingdom**, the public authority has the discretionary power to fix a compulsory probationary period. In the **other States** a trial period, the duration of which varies according to the duty or career involved, is required to be served before the civil servant is confirmed in his/her appointment. In some States, this probationary period forms an integral part of the training period that precedes entry to the civil service. The aim of this period is to familiarise the 'probationer' with the tasks that he or she will carry out in the department.

*** Age limit**

Almost all Member States have lower and upper age limits for entry to the civil service, However, in the **Netherlands, Denmark, Finland, Italy, Sweden** and **Portugal** there are no upper age limits. In **Belgium** and **Ireland** the upper age limit is 50 years; in **Germany** it is 32 years for the probationary period and 50 years for definitive recruitment; in **Luxembourg** and **Austria** it is 40 years; in **Greece** it varies between 30 and 35 years according to category, and in **Spain** and **France** the upper age limit varies according to the competition. In the **United Kingdom** there is no upper age limit, except for careers in the 'EU Staffing Team', where the limit is 41 years.

In **Germany, Italy, Portugal, Austria, Finland** and **Spain**, the lower age limit is 18 years; in **Denmark** it varies from 18 to 20; in **Greece** it is 20 or 21; in **Luxembourg** it varies from 19 to 25. In **Belgium**, ministers may stipulate a lower age limit. In the **United Kingdom, Ireland**, the **Netherlands** and **Sweden**, there is no limit.

In some States, ministers or departments can make exceptions to the age limits.

*** Nationality (entry by Community nationals)**

In all Member States, civil service (or contract worker) posts are generally speaking accessible to Community nationals in application of Court of Justice case law on the interpretation of Article 39(4) of the EC treaty (former Article 48.4), with the exception of those involving direct or indirect participation in the exercise of public power and those aimed at safeguarding the general interests of the State.

In countries that have moved to a position or mixed system, the few posts remaining in the career system (for example, diplomats, judges, police, military officers etc), are generally reserved for nationals of the country. In these countries, freedom of movement is a reality in most parts of the civil service, according to the definitions given by the Court of Justice of the European Communities in Article 39(4).

In some countries, the law provides lists of posts reserved for nationals of the country. In the **United Kingdom**, a list is used as a guideline for departments with the aim of applying the definitions given by the Court of Justice. In **Greece**, non-nationals may not be appointed as civil servants until one year after naturalisation.

In **Austria, Germany, Finland, Ireland, Sweden** and the **United Kingdom**, legislation does not lay down any conditions of nationality for entry to the civil service. In **Austria, France** and the **United Kingdom**, the civil service is also open to nationals of the European Economic Area (EEA). **Germany** is also planning to provide this opportunity.

*** Linguistic requirements**

In **Austria, Germany, Belgium, Finland, Luxembourg** and the **Netherlands**, knowledge of the language(s) of the State is required by law. The other States do not have any requirements in this regard, even though knowledge of the language of the employing State will always be essential in order to carry out the tasks of the job.

In **Belgium**, in accordance with the application of legislation on the use of languages in administrative matters, knowledge of French, Dutch or German may be required for specific posts. In **Germany** and **France**, a complete knowledge of the written and spoken language is required. In **Luxembourg**, an adequate knowledge of the three languages used administratively in the country (French, German and Luxembourgish) is required, except in cases of exemption. In **Ireland**, Gaelic is only required if essential for a specific post, although knowledge of both languages (English and Gaelic) is considered to be an advantage in civil service entry competitions. In the **United Kingdom**, a knowledge of Welsh is essential for posts in any department involving Welsh affairs. In **Finland** there are two official administrative languages, Finnish and Swedish; applicants for posts requiring a university degree must generally have a good knowledge of both these languages, while for other posts, applicants should have an adequate knowledge. In **Spain**, jobs open to Community nationals require a proven knowledge of Spanish or, where necessary, another State language such as Basque, Catalan or Galician etc. In **Italy** and **Greece**, knowledge of foreign languages for specific posts is required by law.

* Other requirements

In all Member States, applicants must enjoy all civic rights. Except in **Denmark** and **Finland**, where the law makes no provision in this regard, most Member States also lay down other conditions for entry to the civil service⁴.

All Member States require applicants to be in good health. In **Belgium**, the **Netherlands** and **Germany**, the law requires applicants to pass a medical examination. In **Sweden**, physical suitability conditions may be laid down by an independent authority.

Freedom from all military or substitute civil service obligations is a requirement of the law in **Belgium**, **Portugal**, **Greece** and **France**.

In **Germany**, the law requires all new civil servants to swear fidelity and remain loyal to the Constitution.

* Assessment of work experience

Applicants may have gained work experience in the public or private sector in the Member State in which they are applying or in other Member States. In **Finland**, the **Netherlands**, **Sweden** and **Denmark**, work experience is of great importance, given the absence of minimal legal requirements relating to the educational path required at each level.

In **Ireland** and the **United Kingdom**, experience gained in both the civil service and the private sector is taken into account when appointments are made.

In almost all Member States, work experience acquired in the civil service is used as a criterion for selecting staff of the experience in question if that experience will increase the applicant's likelihood of satisfying the requirements of the vacancy.

In **Belgium** and **France** time spent in the private sector is not generally assessed. In **Austria** it is heeded very little in practice, and only recognised for a period of 1½ years. In **Germany** it is

⁴ For more detail on this, see the section in this study 'Other requirements' in the 'Conditions for entry into the civil service' for each Member State.

also rarely taken into account, because of difficulties in comparing the work done. In **Luxembourg** 50% of time spent in the private sector is recognised in the seniority system.

In **Spain** and **Italy**, prior work periods (both civil service and private sector) are assessed only in merit and suitability assessment competitions ('concurso' or 'concurso-oposición' in Spain). In **Greece**, experience in the private sector is only taken into account where a speciality is involved; experience in the civil service is assessed as 'pre-career service'. In **Portugal**, possession of a level of practical experience in the civil service or private sector is a condition of entry only for higher-ranking technical staff.

In **Germany**, more and more attention is being paid to professional experience acquired in other Member States of the EU or EEA.

1.2.2. Civil service recruitment procedures

Although there are many similarities between conditions for entry into the civil service in the fifteen Member States, there are also many differences in the various recruitment procedures. The areas to be touched on are the competent recruiting authority, advertising of posts vacant, selection methods and applicants' rights against the recruitment procedure.

*** Competent recruiting authority**

In some Member States, the competent authority for civil service recruitment is centralised: in **Belgium** it is the Federal Administration Selection Bureau (SELOR); in **Greece** it is the Higher Council for the Selection of Personnel (ASEP); in **France**, with the exception of some ministries (National Education) it is the Civil Service Administration Directorate General (DGAFP); in **Ireland** it is the Civil Service Commission or CSC; and in **Luxembourg**, it is the Administrative Reform and Civil Service Ministry Recruitment Department.

In **Italy**, the recruitment authority is the Civil Service Department under the Presidency of the Council of Ministers for centralised recruitment procedures, and other ministries or departments for decentralised recruitment procedures.

In **Portugal**, recruitment falls within the remit of the Director or Departmental Head of the ministry concerned for decentralised recruitment procedures, or of the Director-General of the Public Services for centralised recruitment procedures.

In the **United Kingdom**, recruitment is centralised for the 'Fast Stream' and 'EU Staffing Team' career posts and decentralised for other posts.

In **other States**⁵, the competent recruiting authority is decentralised through the various State ministries, departments or services. However, in most cases recruitment is co-ordinated by the Ministry or Department responsible for the civil service.

⁵ Germany, Austria, Denmark, Spain, Finland, Netherlands and Sweden.

* Advertising of posts vacant

Information on posts vacant within the civil service is publicised in all Member States. Public advertising is the method generally used to announce the staging of a recruitment competition or the need to fill vacant posts.

In **Belgium**, the official publication is known as the *Moniteur belge*; in **France** it is the *Journal Officiel de la République française*, in **Portugal** the *Diário da República*, in **Luxembourg** the *Mémorial*, in **Spain** the *Boletín Oficial del Estado*, in **Italy** the *Gazzetta Ufficiale*, and in **Greece** the *Filon Efiméridos Kibermisis*. In **Austria** advertisements for posts vacant are published in the official journal *Amtsblatt*, published as a supplement to the daily *Wiener Zeitung*.

In **Germany, Sweden, the United Kingdom, the Netherlands and Finland**, there is no single officially recognised means of informing persons likely to be interested, although the announcement must be made by means appropriate to the level of the post vacant.

In **Ireland**, there is no directive within a general legal text, but in practice advertisements are placed in the Irish national press, a number of specialist magazines and the 'Current CSC Job Vacancies pages'. In **Denmark** official publication is required for civil service posts. For other posts there is no officially recognised method of informing persons likely to be interested.

* Selection methods

The civil service recruitment selection methods applied in Member States are very different from each other, but can nevertheless be divided into two major groups. Some Member States have formal recruitment procedures, while others have no specific regulations. In departments or agencies in this latter group of States (the **Netherlands, Sweden, Austria, Germany, Denmark, Finland** and the **United Kingdom**), civil servants are recruited by looking for a person with the skills and training required for the post vacant, exactly the same as in the private sector. In the former group (**Belgium, France, Greece, Ireland, Luxembourg, Portugal, Spain** and **Italy**) recruits enter the civil service at the lowest level in the career for which they hold sufficient knowledge and training. These States organise periodic competitions, known in Spain as 'oposiciones'. At the end of a series of written or oral tests, a list of successful applicants is drawn up. The best of these are then recruited, in order of classification, until all the vacant posts are filled. During the period between two competitions, the posts vacant are filled by drawing on the reserve list.

In **Belgium**, at the end of a series of written and oral tests, a list, drawn up on the basis of participant results, is followed rigidly during the nomination process. The list is then used for putting together a reserve of successful candidates, to be appointed following the recruitment process. In the case of contract workers, a simplified selection procedure is applied. The examinations for these jobs are not generally competitions; the only prerequisite for appointment is to pass. The current recruitment procedure is being altered.

In **Ireland**, the competitions are organised by the Civil Service Commission for mid-level posts upwards. Posts below the mid-level (about 50% of junior executive posts vacant) are filled by internal promotion. Recruitment to professional and technical posts, in some cases up to senior level, is also conducted by competitions. These competitions consist of written or oral selection

tests and/or interviews. Now, however, the Commission, anxious to make the procedure simpler, limits the competition procedure to one simple interview that follows an analysis of the applicant's personal file.

In **Italy** there are four different types of 'concorso' (competition); three for upper posts and one for lower posts. Jobs at the highest level, which have stricter standards in relation to training, will be awarded only to those who pass an aptitude examination (with written and oral tests) and have degrees and professional experience; alternatively, a combination of these three selection criteria will be applied. Aptitude assessment involves comparing marks obtained during the required educational path and possibly an evaluation of performance in previous employment and work experience. There is a special course-competition for careers at Director level ('accesso alla qualifica di dirigente'), which begins with a training course and ends with a final examination. For the lower levels, there is a competition consisting of an oral test and a written test, after which a list of results is compiled with a view to recruiting the best applicants and subsequently keeping a reserve list. For administrative and assistant posts, the selection methods are similar to those applied in the private sector.

In **Luxembourg**, the examination-competition is the method used for selecting applicants to be admitted to the training and trial periods necessary for appointment as civil servants. The examination-competition consists of two tests: a compulsory general aptitude test administered by the Civil Service Ministry and an optional special test organised by the ministry or department advertising the post vacant. Applicants who pass the selection procedure make up a recruitment reserve and are the only ones who can be admitted to the various posts declared vacant by the State authorities and public institutions. In a small number of cases, the Grand Duke may issue 'Grand-Ducal Regulations' waiving the test or competition requirement.

In **Portugal**, competitions may be classed according to the origin of applicants participating in external and internal competitions if the competition is open to everyone or only to civil servants or other officials. In the same way, they may be classified, according to the nature of the posts vacant, into entry competitions ('ingresso') or admission competitions ('acesso'), if the competition is limited to the lower career levels, or to the intermediary or upper career levels. In the competition, the following selection methods may be used, either on their own or in conjunction: a) knowledge tests; b) curriculum vitae assessment. Either method may be followed by a professional selection interview or by a psychological or medical selection test.

In **Greece**, recruitment is by competition, according to the annual timetable drawn up by the government. Management of the system is the responsibility of the Higher Council for the Selection of Personnel (ASEP). Recruitment by competition is for civil servants with a university, technical or higher education training. ASEP appoints a central jury. Marks obtained during competitions may be 'enhanced' on the basis of social criteria (disadvantaged areas) or of merit (for example, a doctorate). Applicants are recruited according to their final marks and preferred area of allocation. Not all the posts vacant are necessarily filled. Priority lists are drawn up on the basis of value criteria (qualifications and specifications) or of social situation. The upper grades are recruited through competitions at the National Public Administration School, which is accessible to university graduates with degrees in technical subjects or to established civil servants.

In **Spain** there are three types of competition for the recruitment of civil service personnel: the 'oposición' (opposition), the 'concurso-oposición' (competition-opposition) or the 'concurso' (competition). Selection of labour staff ('laboral') is also conducted using these systems.

‘Oposición’ is the usual system, although if the nature of the post to be occupied is more suitable the ‘concurso-oposición’ or exceptionally the ‘concurso’ system will be used. ‘Oposición’ consists of completing one or more written tests to determine the capacity and suitability of applicants and establish the order of priority. ‘Concurso’ consists only of defining the merits of applicants and fixing the order of priority in selection. ‘Concurso-oposición’ consists of the application of both methods in succession as part of the selection process. Selection processes must also consist of general or specialist knowledge tests, and these may include psychological and technical tests, interviews and any other system that makes the selection process rational. In selection procedures with more than one test, at least one must be of a practical nature.

Finally, **France** has two types of competition - external and internal. External competitions are aimed at applicants from outside the civil service, who will be holders of certain types of degree. With the exception of certain Category C competitions (administrative officials and deputies, for example), the applicants must hold degrees or studies of a level to be specified in a special statute or a list drawn up by decree. These competitions are organised by the ministry or department concerned on an annual basis, depending on the level of the post vacant. Internal competitions are aimed at applicants who are established civil servants or public officials and can provide proof of a level of work experience or of time worked in the civil service. The conditions are laid down in the Statute particular to each body, and the competition represents one method of internal promotion. With a view to opening the civil service to the general public, a series of special laws has created a new type of competition: the so-called ‘third competition’ or ‘third way’. It relates to entry into certain schools (ENA (National School of Administration), IRA (Regional Institute of Administration, etc.) and is open to any person who has worked in the private sector or holds a mandate in his or her capacity as member-elect of the assembly of a local or regional authority. There are also other types of access to the civil service, including decentralised competitions intended to fill posts within a specific geographical area, single (or joint) competitions that relate primarily to Category B and C general civil service bodies and are organised jointly by several ministries, and competitions that are both single and decentralised. Each competition leads to the compilation of a list that classifies in order of merit the applicants declared suitable by the jury.

* Applicants’ appeals against the recruitment procedure

Every Member State draws a distinction between administrative appeals, contained within the civil service, and legal appeals. In some cases it is possible to institute an administrative appeal in relation only to entry procedures to the civil service; more often, however, it is normal non-legal appeal against acts by the civil service that are offered to civil service applicants.

In **Belgium, Italy, Luxembourg, the Netherlands, Portugal, Greece, France and Spain**, applicants who feel wronged by the recruitment procedure have the right of appeal against the administrative authority or the administrative courts. In **Portugal** there is a right of access to the papers and documents containing the jury’s deliberations. In **Sweden**, the recruiting authority may, if the applicant(s) so request(s), re-examine the files submitted by other applicants, but must ensure that confidentiality is always respected. In **Denmark**, the names of the other applicant(s) may be communicated to applicant(s) by request. In **Austria**, there is no right of appeal against procedures; the unsuccessful candidate(s) may only read the formal decision.

With the exception of **Italy, Germany and Luxembourg**, all Member States have, or are in the process of appointing (Greece) an Ombudsman, whose job is to propose solutions to disputes of a non-legal nature between the civil service and citizens. All persons, even foreigners in some states, may, either directly or through a Member of Parliament, present a request that in most cases shall relate to poor administration within the civil service. The advices of the Ombudsman will, however, often be no more than recommendations. In Germany and Luxembourg, there is provision for appeal to the parliamentary authorities.

Provision for jurisdictional control of entry into the civil service is also made in **Ireland, Portugal, Sweden, the United Kingdom, Greece, Finland, France and Spain**.

1.2.3. Policy of equal opportunities for men and women

In **Belgium**, one Federal ministry employs 45% women. However, if only permanent staff are considered, the total of women employed is only 39%.

In 1997, the **German** civil service, not counting military staff, employed a total of 2 576 000 women, i.e. 52.9%.

In 1996, the **Irish** civil service employed about 30 000 people, 49% of whom were women. However, women occupied only 26% of posts at management level.

With a total civil service workforce of 434 491 in 1998, women have traditionally maintained a significant presence in the **Italian** civil service. In 1999 they accounted for 46.4% of the civil service, with a majority presence in schools (70%) but a minority presence in the police force.

The **Austrian** civil service consisted of 434 491 employees in 1999, and 41.2% of these posts were filled by women. They are well represented in every category, except in executive posts, where men still hold the majority.

In 1998, women accounted for 46.2% of central civil service staff in **Finland** and outnumbered men in seven out of twelve ministries. They were also greater in number in Parliament, the Prime Minister's Office and the Council of State.

In **Spain**, women accounted for 44.8% of permanent staff in the central civil service in 1999. In the senior posts, they accounted for 30% of jobs, and occupied only 16.2% of the highest posts.

As at 31 December 1998, the **French** State civil service employed a grand total of 2 247 438 people (civil servants and public officials), 48.9% of whom were women. Women were in the majority in all civil servant categories (A, B, C and D) but in a minority amongst state labourers (19%) and in the military (7.5%).

No statistics are available from the **other States** on percentages of men and women.

Equality of rights between men and women has become established in all Member States. In a minority of these States, equality of rights is not only regulated by the law, but is also a constitutional principle. In addition to general declarations on the subject of equality of rights, there are specific laws laying down equality of employment access opportunities.

The civil services of Member States have always been domains traditionally reserved for men. Jobs were not opened to women until after the First World War in some countries such as Germany and the United Kingdom. Women were first admitted in 1919 in Germany and the United Kingdom and in 1921 in Denmark. The apparent victory was, however, short-lived, as the celibacy clause was very soon introduced (in 1921 in the United Kingdom and 1932 in Germany), banning by law entry to the civil service by married women. This clause remained in most Member States until the 1950s.

Today, however, in accordance with Community provisions, Member States are obliged in particular to take steps to establish and guarantee equality of entry into the civil service, regardless of sex. The task of the public services now, therefore, is to 'promote a greater measure of fairness between the sexes in the field of employment', especially 'by encouraging female applicants and the recruitment and promotion of women in sections and jobs and at levels where they are under-represented'.

* **Equal opportunities minister**⁶

All States have an equal opportunities Ministry, department or section within their government. Some States have a specialist division or body within their Ministry of Labour, as is the case in **Spain** (Institution for Women), **France** (Women's Rights Division) and **Belgium** (Equal Opportunities Division).

Ireland and the **United Kingdom** also have an equal opportunities section within the government department responsible for the civil service. In the **Netherlands** and **Greece**, a unit or section can be found in each ministry.

National specialist teams or committees responsible for promoting equal opportunities in the civil service and other bodies have been set up in **Italy**, **Luxembourg**, **Portugal**, **Austria**, the **United Kingdom**, **Denmark**, **Sweden** and the **Netherlands**.

In **Sweden**, **Finland** and **Ireland**, independent authorities have been created with varying tasks and responsibilities.

In **Germany**, **Italy**, **Portugal**, the **United Kingdom**, **Denmark**, **Austria** and **France**, some departments employ equal opportunities managers, or sometimes, depending on the number of employees, committees within departments. Equal opportunities managers are elected by staff or nominated within small departments or agencies where there is only one such manager. Their tasks include co-operating with the authorities with a view to taking the steps necessary for promoting equal opportunities and increasing the numbers of the under-represented sex.

* **Special programmes**

All Member States, with the exception of **Luxembourg**, have launched special programmes aimed at promoting equal opportunities for men and women within the civil service. The aim of these programmes, generally speaking, is twofold: on one hand they are designed to draw up

⁶ See on this subject: European Parliament, Directorate-General for Research, Working Paper: 'Institutions and bodies responsible for equal opportunities', *Women's Rights Series*, FEMM 107 FR (original), 92 pages.

reports on the actual situation at certain points, and on the other hand they are intended to produce a plan for establishing equal opportunities and fairness between the sexes.

Spain and **Portugal** have adopted general equal opportunities plans, designed to apply in both the private and the public sectors. Special plans for the civil service as a whole have been established in **Belgium, Ireland, France** and the **United Kingdom**.

In **Belgium, Germany, Ireland, the Netherlands, Greece** and **Austria**, the law provides that each ministry or department must draw up plans or programmes lasting one or more years and aimed at implementing their equal opportunities policies.

In **Italy, Denmark, Sweden** and **Finland**, all public and private entities that are deemed by the State to employ between 10 and 100 people are obliged to adopt action plans aimed at equality or at the situation of male and female staff numbers.

* Positive action

With the exception of **Luxembourg**, all Member States have adopted (or their legislation allows the adoption of) a policy of positive action in favour of the under-represented sex in the central civil service. In **Belgium, Germany, Italy, Portugal, Sweden, the United Kingdom** and **Austria**, this policy of positive action is backed up by a legal framework.

In **Germany** the law expressly invites women to apply, while in **Italy** and **Spain**, the equality plan includes special initiatives aimed at encouraging women to study at university or follow a training course in order to raise educational standards amongst women.

In **Austria** and **Finland**, the text of the law clearly includes a requirement to promote the cause of women. In **France, Portugal, the United Kingdom, Belgium** and **Greece**, action has also been taken to eradicate under-representation of women, especially in the higher civil service grades. **Sweden** frequently gives priority to women in recruitment when their qualifications and merits are equal to those of a male applicant.

In **Ireland, the Netherlands, Denmark** and **Finland**, the law on equality is drawn up to include both sexes. It is therefore the public employer who has the discretionary power to introduce a policy of positive action and determine the number of female staff in his ministry or department.

* Quotas for women

In **Italy**, a quota of at least one third is reserved for women in civil service competitions. In **Austria**, favoured recruitment is provided for women whose qualifications are the same as those of male applicants until the percentage of posts occupied by them reaches 40%. In **Finland**, a representation of at least 40% of men and women in consultative and decision-making bodies in the civil service is required by law.

In the **United Kingdom**, the introduction of minimum quotas is considered to be illegal because of the discriminatory effect that they might have on men. In **Greece** they may be established via special regulations. In the **Netherlands**, the law does not provide for a specific quota of female staff, but the public employer has the discretionary power to set female staff numbers in his ministry or department.

In **Germany, Belgium, Spain, France, Ireland, Luxembourg** and **Portugal**, the central government has refused to introduce quotas into its ministries or departments.

On the basis of information obtained from **Sweden** and **Denmark**, it is difficult to determine whether quotas for women exist in central government.

*** Unequal opportunities compensation procedures**

In **Belgium, Germany, Ireland, Sweden, Greece, Denmark** and **Austria**, applicants who consider themselves to be the victim of discrimination on the grounds of sex during recruitment procedures have the right to institute action for restitution of damages suffered. In **Luxembourg, Sweden, Finland** and **Italy**, fines or penalties may be imposed on employers who issue or publish job offers that do not comply with, or violate, equality laws.

A right of administrative or jurisdictional action against a recruitment decision for unequal opportunities on the grounds of sex also exists in most Member States.

Special independent commissions responsible for handling disputes on equality have been set up in the Netherlands, Finland and Sweden. In **Belgium**, a Commission has been created within the civil service ministry. In the **Netherlands**, complaints are examined by the Commission for Equality of Treatment. In **Sweden** and **Finland**, the Equal Opportunities Commission may call on an employer to take active steps towards equality and impose a fine at the same time.

2. The European Institutions

The Consolidated Treaty establishing the European Community, in its fifth part, 'Institutions of the Community', includes the Committee of the Regions (Chapter 4), the Economic and Social Committee (Chapter 3) and the European Investment Bank (Chapter 5). The Court of Auditors forms part of Chapter 1 alongside the Parliament, the Commission, the Council and the Court of Justice.

The European Civil Service consists of two major civil service structural systems, namely the closed structure and the open structure. This 'hybrid' nature is evident in the great variety of regimes under which the officials of the Community (civil servants, other agents and outside staff) work.

Staff who are not classified as civil servants, and do not come under the regime applicable to other officials, also work within the Communities: these are the 'independent national experts' such as consultants, business contract holders etc.

The undertaking to create equal opportunities for men and women was reinforced by the entry into force of the Amsterdam Treaty on 1 May 1999. The principle of equality is now enshrined in Article 2, which lays down the aims of the Union. The European Community has been allocated tasks, legislative powers, responsibilities and a new level of potential in the field of equal opportunities.

As indicated in the European Commission report on equal opportunities for men and women in the European Union - 1999, the Court of Justice issued a considerable number of decrees in 1999 as a complement to the legislative work aimed at creating equal opportunities. Promotion of equal opportunities is currently an obligation for every institution at every level, and must be taken into account.

The European Parliament has invited the administrations of the European Institutions to 'review every aspect of the selection procedure, such as publication of recruitment advices, compilation of application files, organisation of competitions and methods of assessment, in order to eliminate any form of indirect discrimination against women'.

According to information obtained, every European Institution, with the exception of the Court of Justice, the Court of Auditors and the Economic and Social Committee, has published plans or programmes aimed at establishing equal opportunities within their secretariat. They have also created Joint Equal Opportunities Commissions (COPEC), which have developed more or less according to their tasks or nominated equal opportunities managers.

2.1. Conditions for entering the European civil service

The latest version of the Statute, rules and regulations applicable to civil servants and other European Community officials was published in December 1999, and laid down the general conditions for recruitment of civil servants and other European Community officials. It is however the Civil Servants' Statute (hereinafter 'the Statute' that sets out in greater detail the minimum conditions for entry to the Community civil service.

* Training required

All jobs within the Community institutions, both permanent and temporary, are classified as follows⁷:

- *Category A.* Full **university course** giving rise to degree certificate (master's or equivalent). In some cases, studies undertaken in addition to a master's degree may be an advantage. Sometimes applicants will be required to hold a specialist degree such as law, economics, accounting or statistics.
- *Category LA - Languages Department.* Full **university** course giving rise to a qualification (master's or equivalent).
- *Category B.* Full **upper secondary education** giving rise to a qualification. In some cases, specialised or technical studies will be required to enter the competition.
- *Category C.* Training to **upper secondary academic and/or business education**, giving rise to a qualification. Higher short-term study qualifications (BTS) may be an advantage in some cases.
- *Category D.* Training to **basic secondary academic and/or business education** giving rise to a qualification. The notification of the competition may require other specialist knowledge to enter the competition.

* Trial period

All civil servants, with the exception of those in Grades A1 and A2, are required to undergo a trial period and may only be confirmed (that is, appointed on a permanent basis) if the results of the trial period are favourable. This trial period lasts for **nine months** for civil servants in categories A, B and LA and **six months** for civil servants in categories C and D. Temporary civil servants may also be required to complete a trial period, although its duration may not exceed six months.

* Age limit

The Civil Servants' Statute does not make any reference to an upper or lower age limit for entry into the European Civil Service in its section on recruitment. Neither does it make reference to age in the grounds for direct or indirect discrimination in the new articles on fairness of treatment.

The competition notification states an age limit for entry to the competition, at the discretion of the institution. The age limit is normally between **35 and 45** depending on the competition in question. Exemptions are nevertheless provided for in some specific cases in the competition notification; for example, military or similar service, career break for care of children, handicapped people, etc.

The European Parliament has made numerous requests for the field of exemptions from age limits to be widened, for both men and women who have interrupted their careers to dedicate themselves to bringing up their children or who have taken a parental or family break. The Commission has also proposed the abolition of age limits for recruitment through general competitions.

⁷ See Annex: National qualifications conferring right of entry to the competitions for the European civil service.

*** Nationality**

All applicants in a European Institution competition must be nationals of one of the Member States. However, the Authority with Power of Appointment may authorise exemptions.

In the light of its concern to ensure a fair geographical distribution amongst its personnel, one of the European Commission's aims, in its recruitment policy, is to ensure that the tests include the multicultural aspect of the European Union, in accordance with Article 27 of its Statute. The Commission adds: 'It shall thus be possible to ensure fairness of treatment of candidates from all the Member States, as neither the organisation of a competition on grounds of nationality, nor the admission to competitions *en bloc* on grounds of language would be appropriate'.

*** Linguistic requirements**

An in-depth knowledge of one of the official languages of the Communities (German, English, Danish, Spanish, Finnish, French, Greek, Italian, Dutch, Portuguese and Swedish), and a satisfactory knowledge of one other of these languages, is required.

Language-related jobs (translators and interpreters) require a full knowledge of at least two other official languages in addition to one's native or habitual language.

*** Other requirements**

Article 28 of the Statute provides that no person shall be appointed as a civil servant:

- if he or she does not enjoy civic rights;
- if he or she is not in a satisfactory position with regard to the recruitment laws applicable to him from a military viewpoint;
- if he or she does not pledge the guarantee of morality required for the fulfilment of duties;
- if he or she does not fulfil the conditions of physical aptitude for the fulfilment of duties (in which case, before being appointed, the successful applicant shall be required to undergo a medical examination performed by a doctor working for the institution in order to ensure that the applicant satisfies the conditions).

*** Assessment of work experience**

The only work experience taken into account will be that acquired by the applicant subsequent to obtaining the diploma or qualification required for admission to the competition.

For Category A8 competitions, no work experience is required. For categories A7/A6 (LA7/LA6) between two and three years' work experience will be required. Applicants for Category B posts must have two years' work experience in a field similar to the duties for which they are applying. Category C and D civil servants must also have two years' work experience, which may consist of specialist training.

2.2. Recruitment procedures in the European institutions

Generally, the various Community institutions recruit civil servants and other officials separately, but an increasing number of inter-institutional competitions are being organised,

especially between the Commission and the Court of Auditors. The competition, however, remains the main means of recruitment to the European civil service.

* **Competent recruitment authority**

Each Institution has a department or unit that is competent to recruit, known as the **Authority with Power of Appointment (AIPN)**, according to the Statute, forming part of their staff and administration directorate-general.

As all the European Institutions usually recruit through general competitions, the Commission has suggested the setting-up of an **Inter-Institutional Recruitment Service**. Each Institution would advise the Service of its specific human resources requirements and the Service would then assume responsibility for organising the appropriate competition.

* **Advertising job vacancies**

For general competitions, a notice must be published in the *Official Journal of the European Communities Series C (Communications and Information)*, A (*notice of competition*), not later than one month before the proposed deadline for the receipt of applications and, where applicable, two months before the date of the tests. When the Official Journal (OJ) contains a general competition notice it shows the conditions required to be fulfilled in order to participate in the competition and the likely number of vacancies, as well as information on the competition itself. The OJ also contains a standard application form, which must be used. It is also possible to consult a provisional competitions timetable at the European Commission's Recruitment Information Service, or on the Internet.

All job vacancies within an Institution are brought to the attention of staff in that Institution as soon as the AIPN decides that the job should be offered as vacant. Notices of vacancies for temporary and auxiliary official posts are displayed in each Institution inviting applications. It is also possible to find the information on each Institution's Internet site. Every 15 days, Parliament publishes notices of internal vacancies in the Institution and also in the other European Institutions.

All the European Institutions use the expression 'for men and women' on the head of the competition advice, and have now added a paragraph in the introduction to the notice bearing the title 'Equal Opportunities', in the following terms. 'The European Institutions practise a policy of equal opportunities for men and women and actively encourage applications from women in categories in which they are under-represented. The European Institutions take great care to avoid any form of discrimination, both during recruitment procedures and in allocating jobs within their departments'.

* **Selection methods**

Civil servants are recruited on the basis of the results of **general external competitions**, qualifications, tests or tests and qualifications, in each official language and in each category of work.

Category A, B, C and D competitions are generally organised in three stages. Applicants must pass each stage in order to be admitted to the next. The first stage consists of pre-selection tests, while the second consists of written tests. These first two stages are usually held in various

locations within the Member States. The third stage, which takes the form of an oral test, is usually held in Brussels or Luxembourg.

The selection of applicants, which is strictly on merit, may last several months from the launch of the competition to the completion of the oral tests. The Institutions' recruitment policy is however subject to developments, and changes may occur.

Successful candidates are included on a **reserve list** and then appointed to the posts vacant. The period of validity of reserve lists is limited to between one and three years, depending on the nature of the competitions and the Institutions themselves. In the European Parliament, the validity of the reserve lists drawn up following a general external competition is limited to three years. The AIPN may, following an advice from the Equality Commission, extend the period of validity for one year and, exceptionally, for technical reasons or on grounds of recruitment forecasts, for an additional period. This is normally sufficient to allow applicants to obtain a post.

The Institutions will circulate the *curricula vitae* of the successful applicants to their departments, and the applicants will be contacted directly for interview. The recruitment offer itself, however, may only be issued by the department responsible for recruitment. Successful applicants will be recruited according to departmental needs, and recruitment depends on the number of posts vacant when these posts cannot be filled by internal procedures such as changes, transfers, etc.

For the recruitment of **temporary or auxiliary officials**, each Institution has its own specific regulations, but certain common rules are applicable. When a directorate-general has one or more official posts vacant, it will produce a job description or job group description. These descriptions are then sent to the Recruitment Directorate, and the Directorate looks for a certain number of candidates for each description. The number will exceed the needs of the Institution within reason, in order to allow the Institution to choose from amongst the successful applications.

All applications that meet the descriptions are then sent to a selection committee, consisting of a representative of the directorate-general of personnel, a representative of personnel and a representative of the directorate-general that has a post vacant. The committee then compiles a list of candidates that fit the description.

The **European Investment Bank (EIB)** recruits on the basis not of competitions, but of files. Persons interested are requested send to the EIB Recruitment Division a letter in support of their application bearing the reference number of the post vacant and a *curriculum vitae* in French or English. Once the pre-selection procedure has been completed, the applicant will be invited to interview, with a language test and a test of knowledge relating to the field of the post vacant.

*** Applicants' appeals against the recruitment procedure**

All decisions made by the jury may be the subject of:

- 1) an appeal based on Article 90 Paragraph 2 of the Civil Servants' Statute, the appeal being required to be sent for the attention of the Secretary-General of the Institution in question;
or

- 2) the lodging of an appeal for cancellation before the Court of First Instance of the European Communities on the basis of Article 236 (new) of the EC Treaty and Article 91 of the Statute. The periods provided for in these two procedures begin from the date of the notification by the jury causing the grievance.

All citizens of the Union, and all persons resident in a Member State, may call upon the European Ombudsman, either directly or through a representative.

2.3. Policy of equal opportunities for men and women

All institutions in the EU have a policy aimed at guaranteeing equal opportunities. Currently, women are under-represented in Categories A, B and D, while they are over-represented in Category C, which is regrouping its administrative and secretarial staff. The distribution of men and women in Category LA is about equal. However, numbers of women in the higher grades are lower in all institutions. To overcome this problem, the institutions have implemented positive action programmes aimed at favouring the employment of women in all grades, especially in management posts.

In February 1997 the European Parliament adopted a resolution to alter the European Civil Servants' Statute, with several amendments being introduced. In particular, Parliament asked that the principle of equal opportunities be respected during the selection of all civil servants, that the numbers of men and women be as balanced as possible within the institution, and that a committee be set up for monitoring equal opportunities in favour of staff, responsible for promoting and monitoring the application of the principle of equal treatment. Following these amendments, the Council of the European Union altered the Civil Servants' Statute by making the principle of equality of treatment a fundamental standard of all statutory texts relating to the community civil service.

The aim of the new regulation is to ensure that this principle is set forth in the basic standards of the statutory texts relating to the community civil service and not just in matters of recruitment. It also calls on the institutions to define by mutual agreement the positive action that can be taken to promote equal opportunities between men and women in the fields covered by the Statute. The regulation also provides that civil servants and temporary officials should be chosen without distinction on grounds of sex, race, religion, political leanings or sexual orientation, and irrespective of their civil status or family situation.

Recently, the 'Staff Statute' working group from the Council of the European Union suggested to the Permanent Representatives' Committee (Coreper) amending the Statute again to include on the one hand an obligation for Parliament and the Council to compile a regular report on the progress made in the field of equal opportunities, and on the other hand an obligation for the European Commission, every year from 2001 onwards, to compile a report on equal opportunities for men and women within the Institutions and send it to the Parliament and the Council.

*** Equal opportunities manager**

All the Institutions have created their own internal **Joint Equal Opportunities Committee (COPEC)**, which has developed more or less along the lines of their set tasks or else nominated equal opportunities managers. The COPECs were established in accordance with Article 9 Par. 4 of the Civil Servant's Statute, which authorises the institutions to create social bodies in which the Staff Committee is called upon to play an active part, in the interests of staff.

The COPEC delegates from the Council, the European Parliament and the Commission, together with an observer from the Committee of the Regions, have come together to form an **Intercopec** (Joint Equal Opportunities Inter-Commission). This body suggests amendments to the Civil Servants' Statute and monitors the development of problems concerning men and women in all fields of work.

In the **European Commission**, an ad hoc 'equal opportunities' working group was formed in 1978 and became a committee in 1981. Following the setting-up of a joint committee in 1984, the Commission adopted the regulation relating to the competence, organisation and operation of the Joint Equal Opportunities Commission for men and women (COPEC) in April 1992.

In the **Secretariat-General of the European Parliament**, the structure set up consists of the Equal Opportunities Unit (UEC) and the Equal Opportunities Commission (COPEC). The UEC was created in 1992 on the basis of a proposal by the Committee on Women's Rights and currently has an organisation chart for two civil servants (category A and category B officials). Since July 1998 the UEC has been attached to the Professional Training and Careers Advice unit. The COPEC was created in 1987 by the Secretary-General of the European Parliament. A joint body forming part of the DG V (Directorate-General for Personnel), it consists of a President, four members nominated by the AIPN and four members nominated by the Staff Committee. Each year, it meets with the President of the European Parliament, reports on the latest developments in the situation regarding women, and fixes together with him priorities for the next year. It co-operates with its counterparts in the other European Institutions and takes part in the annual Intercopec meetings. The members of the COPEC take part in the work of the promotion committees, the professional advancement consultative committee, the auxiliary officials selection committee and the reports committee as observers.

In 1992 the **Secretariat of the Council of the European Union** created a Joint Equal Opportunities Commission for men and women (COPEC) in the Directorate-General for Personnel and Administration. In contrast to the Commission and the European Parliament, however, the COPEC is not an independent administrative department with exclusive competence in matters of promotion and implementation of equal opportunities policies.

In November 1997 the assembly of the Committee of the Regions decided to create a Joint Equal Opportunities Committee (COPEC), which was, however, not set up until February 2000.

In 1994, an initial equal opportunities consultative group was set up within the **European Investment Bank (EIB)**. Following a request from the Staff Committee, a COPEC was set up following the signature of the COPEC Agreement between the EIB and the Staff Committee. This was the first equal opportunities committee governed by a specific agreement.

The **Court of Justice**, the **Court of Auditors** and the **Economic and Social Committee** also have an equal opportunities manager working within their personnel division.

*** Special programmes aimed at creating equal opportunities**

According to information obtained, all the European Institutions, with the exception of the Court of Justice, the Economic and Social Committee and the Court of Auditors, have adopted plans or reports relating to equal opportunities within their secretariat.

The **European Commission** adopted an initial positive action plan from 1988 to 1990 and a second such plan for 1992-1996. A third equal opportunities action plan, for 1997-2000, was adopted on 2 April 1997. This new programme is part of the continuity of both the equal opportunities policy being pursued within the Union and the internal policy implemented. These measures have been made part of the administrative decentralisation process (MAP 2000). At the end of 1998 an interim report was compiled by the authorities on the progress of the implementation of the programme for the institution as a whole. The final application report will be drawn up at the end of 2000 on the basis of DG and departmental assessments and will be sent to the Secretary-General of the Commission.

In the **European Parliament**, the second action plan for 1997-2000, drawn up by the COPEC in 1996, includes a schedule of long-term actions. In February 1999 the UEC adopted a progress report on the legislature for 1994-1999 and the 1998 report on equal opportunities within the Secretariat.

In the **Secretariat-General of the Council of the EU**, in February 1998 the COPEC adopted the first equal opportunities action plan for the period 1998-2001, intended to include the aspect of equal opportunities in all internal staff management policies. This is otherwise known as 'mainstreaming'.

In April 2000, the Committee of the Regions adopted its equal opportunities programme for June 2000 - June 2002; it was approved during the September 2000 plenary session.

Finally, within the **EIB**, a medium-term programme was approved in 1994. In May 2000 a new programme based on progress made was adopted, together with the action plan for 2000.

According to information obtained from the **Court of Justice**, the **Court of Auditors** and the **Economic and Social Committee**, these institutions do not have any reports or studies on the equal opportunities policy.

*** Positive action**

The Civil Servants' Statute provides an opportunity to take steps to introduce specific advantages for the under-represented sex. Specific measures to favour women have been taken in the field of recruitment.

In the **European Commission**, positive action is aimed at refining the existing mechanisms in order to provide equal opportunities for men and women at each stage in the recruitment process: selection procedures, competitions and use of reserve lists. On 8 December 1999, Vice-President Neil Kinnock made a Communication in which the Commission emphasised that 'in the process of appointment to senior executive posts, and following its assessment of merit, the Authority

with Power of Appointment (AIPN) will give priority in principle, where there is equality of merit, to applications by women'. This opportunity has not been used automatically, but has been one of the basic principles for reaching the target that the Commission fixed, namely to double the number of A1 and A2 posts between now and the end of its mandate.

In its meeting on 10 March 1999, the Bureau of the **European Parliament** approved a report on progress made during 1999 and the aims for the future, compiled for information only within the Secretariat-General. It provided for preference to be given to the under-represented sex in instances of equality of merit. It also gives a few areas for longer-term thought on the creation of true equality of opportunities in selection procedures and competitions, jury staffing and reserve lists.

In the **Secretariat of the Council of the EU**, the COPEC suggests that priority be given to women under certain conditions in category A and LA recruitment, in order to remedy the current imbalance. Inspired by the provisions of numerous sources of law, it suggests the inclusion of the following rule amongst recruitment or promotion criteria: 'In cases of equality of merit, preference shall be given to women in categories in which their numbers are low'.

In the Committee of the Regions the COPEC has identified its priority areas and drawn up a timetable for taking action. It has adopted a declaration of intent indicating its undertaking in relation to equal opportunities within the secretariat and steps to be taken in relation to promotion, women in decision-making posts and equal representation of men and women in joint authorities, juries, etc.

Within the **EIB**, the equal opportunities plan for 2000 proposed the following in terms of recruitment: improved levels of information to facilitate the employment of spouses or partners, monitoring of grounds for non-selection of women, and the effect of specific policy measures taken in favour of equal opportunities for the employment of women.

* Quotas in favour of women

In the European Institutions, no provision has been made for a percentage of quotas for women. However, the quantified targets relating to female staff have been adopted in most institutions.

In the **European Commission**, women are currently under-represented in Category A and in executive and management posts. The recruitment and female appointment target for 2000 can be summarised as follows: upper executive posts (A1/A2), 5 women to be appointed in 2000, to arrive at a total of 20% of women by 2005; to fill 20% of posts with women in 2000; middle executive posts (A3/A4/A5); and to recruit equal numbers of men and women available from operative reserve lists for administrators and deputy administrators (A6/A7/A8), and where appropriate, to recruit only women not yet recruited from the lists.

The **European Parliament** has not introduced any specific quotas in favour of women in the Secretariat-General. It has however established quantified targets to be reached between now and 2002. The Lienemann report concluded that 'it must be acknowledged that we are still far from reaching the targets for 2002, in both Category A (21.1% against a target of 25%), and in Category D (17.1% against a target of 20%)'. Consequently, according to the report, there is a need to apply further the steps agreed in 1999, that is, to give priority to recruitment of women amongst successful applicants in A and D competitions and to recruit more than 50% of women in A wherever possible.

*** Compensation procedures for inequality of opportunities**

All applicants may lodge a request for nullification of the recruitment procedure before the Court of First Instance. The European Ombudsman may also call upon the European Parliament in cases of mal-administration and issue recommendations.

3. The International Organisations: the Council of Europe and the United Nations

Compared with other international organisations, the Council of Europe is a relatively small organisation and its incidence of recruitment is therefore quite low. The appointment regulations attached to the officials Statute lays down the rules relating to recruitment. All permanent officials are recruited by competition only. Long-term temporary jobs are regularly offered and allocated using a similar procedure. Equality of opportunity is still a basic principle of recruitment within the Secretariat-General. In particular, applications from women are encouraged in the higher, Category A grades. Numerous initiatives have also been taken within the Council of Europe to define a common Statute for public officials in Europe.

On 31 December 1999, the Secretariat of the Council of Europe consisted of 1,221 permanent and temporary officials from the 41 Member States. Of these, 706 were women, who thus made up 57.8% of all employees. However, most of these women (84.4%) work in technical secretariat or office clerk jobs. Women are thus under-represented both in administrator posts (36.3%) and in technical, manual and service posts. The figure is more balanced (47%) in the translator and interpreter posts.

The regular staff in the **Secretariat of the General Assembly of the United Nations (UN)** consist of international civil servants, and their responsibilities are exclusively international in nature. They are appointed by or on behalf of the Secretary-General for a minimum period of one year with or without interruption. Civil servants are recruited for permanent or temporary posts approved by the General Assembly or for posts authorised by the Secretary-General or on his behalf. The UN also occasionally needs to appoint temporary specialist officials who help the regular staff to fulfil their tasks by passing on specialist knowledge. The UN can enlist the services of such officials either by hiring them on a temporary basis or using them as individual businessmen, consultants, agents in the context of projects, expert contractors etc. In this case, the contract may not last for longer than one year.

On 30 June 1998, the proportion of women occupying posts subject to geographical movement in the Secretariat-General was 36.9%, that is, 885 women out of a total of 2,400 officials. Although equality of sexes has almost been reached at levels P-1 and P-2 (deputy administrator 2nd and 1st class), it is still far from being reached in the highest grades, where women only account for 16% of jobs: Deputy Secretary General (SGA), Under-Secretary General (SSG), Director (D2) and Administrator-General (D1). In addition, the highest number of women employed is at level P-3 (administrator, 2nd class), while the highest concentration of men is to be found at level P-4 (administrator, 1st class).

3.1. Conditions of entry

The officials Statute lays down the general requirements for becoming an official (permanent or temporary) in the Council of Europe. Specific conditions must also be fulfilled, depending on the category specified in the vacancy advertisement in question.

Conditions for entry to the Secretariat-General are laid down in the **United Nations'** staff regulations. The Secretary-General is the final authority on appointments, in accordance with the rules laid down by the General Assembly.

* Training required

In the Council of Europe, Article 3 of the appointment regulations, attached to the officials Statute, sets out the levels of knowledge required for the various categories of employment:

- *Category A/LA*: university course and/or equivalent professional training or work experience.
- *Category B*: upper or middle secondary education, as well as appropriate professional knowledge.
- *Category C*: basic education, plus appropriate professional knowledge where required.

It is difficult to describe in details the various types of posts for which the **United Nations** recruits staff. However, a description of the main staff categories and the knowledge required for them can be drawn up:

- *Administrator posts*: university degree and work experience for the higher grades.
- *General service officials*: appropriate work experience.
- *Safety and security*: secondary school diploma or equivalent, and at least two years' work experience.
- *Work association*: secondary school diploma or equivalent, plus practical experience in the field for which the post is advertised.

* Trial period

After being recruited, officials in the Council of Europe are appointed provisionally on the basis of a trial and training contract. The duration of this probation period can be two years for officials recruited to Categories A and L, and one year for officials recruited to Categories B and C. The probation period can be extended by one year for officials in Categories A and L and by six months for officials in Categories B and C.

A trial period is compulsory before permanent appointment in the **United Nations**, and it must not normally exceed two years in total. However, in individual cases, the Secretary-General can reduce or extend the trial period by one year. At the end of this period, the person concerned will be appointed on a permanent or regular basis, or leave the service of the UN.

* Age limit

In the Council of Europe, the age limit varies between a minimum of 20 years and a maximum of 35, depending on the post. Details will be mentioned in the respective notices of competition. Appointment to level A2 by recruitment can only be granted to applicants aged at least 25, and appointment to level A3 only to applicants aged at least 33. An exemption of up to five years may be granted, especially for those who have interrupted their career or work to raise children.

In the **United Nations**, there are also upper age limits for admission, varying between 32 and 39 years depending on the posts. No provision is made for a lower age limit in the staff regulations.

*** Nationality**

Only applications from nationals of Member States of the Council of Europe will be considered. In most cases, general competitions will be reserved for nationals of States that are under-represented in the Secretariat. The conditions relating to nationality may be waived if no applicants come forward for a particular vacancy.

In the **United Nations**, only nationals of Member States may enter the Secretariat-General. The United Nations recognises only one nationality in any candidate.

*** Linguistic requirements**

All persons wishing to be appointed to the Secretariat of the Council of Europe must have a very good knowledge of one of the two official languages of the Council of Europe (English or French), and a good knowledge of the second official language is required for numerous posts. Applicants whose native language is French or English must have a very good knowledge of the other official language. Knowledge of other European languages is considered to be an advantage (especially German, Italian, Spanish and Russian).

Knowledge of at least one of the official languages of the Secretariat of the **United Nations** is required: English, Arabic, French, Chinese, Russian and Spanish. The working languages are French and English. Knowledge of at least three official languages is required for the translator and interpreter posts.

*** Other requirements**

The applicant's physical suitability must be confirmed in a medical certificate issued subsequent to an examination by a doctor nominated by the Secretary-General of the **Council of Europe**. Other requirements, such as ability to use computers or to be in order with regard to civil or military obligations may be stipulated.

In the **United Nations**, a medical examination paid for by the Medical Office must be undergone before duties are taken up. Staff recruited to the Secretariat-General are exempt from civil or military obligations in their country of origin.

*** Assessment of work experience**

At least two years' experience of work in the civil service or private sector is required for appointment to the **Council of Europe**. It is essential if the applicant in question does not have the appropriate degree, qualification or training.

Work experience in the civil service or private sector is also a prerequisite for entry to most jobs within the Secretariat-General of the **United Nations**. In the same way full account must be taken, during appointment to any post, of any experience that persons already in the service of the UN may have.

3.2. Recruitment procedures

Permanent officials in the Secretariat of the **Council of Europe** are recruited by competition only. This is a regulation relating to appointments attached to the officials Statute, which lays down the conditions relating to recruitment. For temporary staff, different types of agreement are provided for in Decree No 821 issued by the Human Resources Division.

There are two types of recruitment process for the **United Nations** civil service - local recruitment and international recruitment. The few civil servants who are recruited on a local level are governed by Appendix B of the Statutes and do not have the right to certain privileges.

* **Competent recruiting authority**

The Appointments Committee is the consultative body of the Secretary-General of the Council of Europe with regard to appointments through internal recruitment or competition. It consists of a recruitment jury, one member of which may be the manager responsible for the equal opportunities policy in the Human Resources Division, acting as a consultant. It is the permanent staff unit of the Human Resources Division, working together with other departments, which manages recruitment policy within the Secretariat-General.

It is the Office of Human Resources Management (OHRM) in the **United Nations** and the department or division involved that may, by mutual agreement, recommend to the Secretary-General the permanent appointment of a civil servant 'on trial' who satisfies the conditions laid down. This recommendation is brought to the attention of the appointments committee before being submitted to the Secretary-General. The Office is also responsible for organising recruitment competitions for nationals of Member States for appointment to posts within the Secretariat-General.

* **Advertising for job vacancies**

The regulations governing appointments to the Council of Europe include the requirement to make every job vacancy the subject of adequate official advertising. When an outside recruitment campaign is conducted, the vacancy must be brought to the attention of the permanent representations of the Member States, officials and the general public, through suitable announcements where necessary. This announcement must include a description of the post vacant and specify the conditions for entry, the qualifications that applicants are required to have, and the deadline for the submission of applications.

The organisation is required to include in all vacancy announcements for both permanent and temporary posts the words: 'in the light of its equal opportunities policy, the Council of Europe is aiming to employ an equal number of men and women in each category and at each level', and to use the word 'applicant' in both masculine and feminine form.

In the **United Nations**, vacancy announcements for permanent and temporary posts are regularly sent to the National Delegations of UN Member States. Recruitment competitions for nationals of Member States are also published in national newspapers in the countries concerned. In order to favour applications from women, all advices of posts vacant must include the following words: 'suitably qualified women are especially encouraged to apply'. The 'Women Watch' Internet Site, created by the Division for the Advancement of Women

(DAW) offers a selection of vacancy notices for the Secretariat and allows contact to be made with a number of sites bearing information on all the outside vacancies that may be of particular interest to women.

*** Selection method**

Permanent officials of the Council of Europe are recruited by competition only. There are two types of competition for these posts: the general competition, which is limited to nationals of one or more under-represented Member States; and the specific competition, open to all nationals of Member States or of one or more under-represented States. The selection procedures consist of three stages: pre-selection, a written test and an interview. The three stages as a whole cover a relatively lengthy period of time, averaging about six months. When the number of applicants successful in the competition exceeds the number of jobs put out for competition, a reserve list that lasts for two years is drawn up and sent to the applicants concerned. The period of validity of the reserve list may be increased by successive periods of one year. With regard to temporary staff, they are employed on the basis of a short-term or long-term temporary contract.

The **United Nations** also recruits auxiliary officials (Classes P1 and P2) and administrators (Class P3) through national competitions. These competitions are organised on a priority basis for nationals of Member States that are under-represented amongst Secretariat staff. Level P3 jobs are normally filled through a competition, but may also be filled through internal promotion. These competitions consist of written tests and an interview. The tests are in French or English, the two working languages of the Secretariat. Applicants who are successful in the competitions are placed on a reserve list and the names of these applicants will be deleted from the list as and when their country becomes adequately represented in the Secretariat. For the recruitment of linguists, the UN organises competitions aimed at selecting applicants who fulfil the requisite conditions for employment in the language service. The frequency of these competitions varies, depending on the needs of the UN.

*** Applicants' appeals against the recruitment procedure**

All persons who apply for a post within the Secretariat of the Council of Europe and are of the opinion that the recruitment procedure has failed them may call upon the Appointments Commission, a consultative body in the Secretariat-General, or on the Secretary-General for appointments through recruitment competitions. Its decisions, opinions and recommendations are however confidential.

In the **United Nations**, the decision of the examining jury for the results of tests is final and cannot be appealed against. The applicants' notes are not sent to them.

3.3. Policy of equal opportunities for men and women

In the Council of Europe, the appointments regulation attached to the Officials Statute makes the following provision in its Article 22 bis, 'Equal Opportunities': 'When there is equal merit between a man and a woman applying through an outside recruitment procedure or internal competition, preference shall be given, by way of dispensation from Article 22 Par. 2, to the applicant from the sex that is under-represented in the grade of the category in which the vacancy is located'. The idea of a sex being under-represented in comparison to the other

applies 'when the representation of the said sex in the grade of the category in which the vacancy is located is less than 40%'. One principle of recruitment within the Secretariat-General is therefore that of equal opportunities between men and women. In particular, women are encouraged to apply for the higher, category A grades.

Article 8 of the **United Nations** Charter provides that 'no restriction shall be imposed by the United Nations on entry by men or women under conditions of equality to any job within its principal or subsidiary bodies'. The staff regulations also make reference to equal opportunities between men and women in matters of recruitment, in the following terms: 'In accordance with the principles of the Charter, the choice of civil servants is made without distinction on grounds of race, sex or religion'.

The imbalance of power and decision-making responsibility apparent at all levels in the United Nations Secretariat was criticised in the Beijing Declaration and Action Programme adopted by the Fourth World Women's Conference. The programme expressed a determination on the part of the UN to reach equality between the sexes by the year 2000, especially in administrative and higher-level posts, while also respecting the principle of fair geographical distribution, and also taking account of the fact that in some countries, particularly developing countries and those undergoing a transition, women are not represented or are under-represented within the United Nations Secretariat. However, the conclusions drawn by the International Civil Service Commission in its examination of the position of women in the Secretariat suggest that, at the current pace, equality of sexes will not be reached until 2006 in the director category and 2007 at administrator level.

*** Equal opportunities manager**

In May 1993, a female Equality Consultant was appointed by the Secretary-General for the Council of Europe. Her role is to encourage and co-ordinate work aimed at implementing the equality plan and to report directly to the Secretary-General. In September 1993, the post of equal opportunities administrator was created within the Human Resources Division. The post involves working closely with those responsible for managing human resources and ensuring that the equality aspect is taken into account in every aspect of staff policy. In 1996 the Equality Unit, created in 1994, was transformed into a more compact organisation known as the Equal Opportunities Consultative Committee. Presided over by the Equality Consultant, the Secretariat is now served by the equal opportunities administrator. The task of the Committee is to suggest what action can be taken with a view to developing the equal opportunities policy, to comment on the initiatives taken, and act as relay in the implementation of the various projects.

The Division for the Advancement of Women (DAW), which forms part of the Department of Economic and Social Affairs within the **United Nations** Secretariat, is campaigning for improved conditions for women and for the 'gender' aspect to be taken into account in all the various fields of activity, both inside and outside the United Nations' structures. 1996 saw the creation of the Office of the Secretariat-General Special Adviser for equality between sexes and the promotion of women. However, the main onus is on the heads of the various offices and departments to ensure that the special measures relating to equality are applied.

*** Special programmes in favour of equal opportunities**

A strategy for equal opportunities in the Secretariat of the **Council of Europe** (1997-1999) was adopted in July 1997. The plan analyses the bars to equal opportunities amongst staff and is primarily aimed at reaching equality of representation between men and women in all the working groups and in the representative bodies. The programme also lays down a series of targets that reflect matters of priority for reaching equal representation of both sexes. Annual reports on equality between men and women were begun in 1991, the latest being the eighth report of the Secretary-General for the year 1999.

A strategic action plan aimed at improving the situation of women in the **Secretariat of the Assembly of the United Nations** (1995-2000) has been implemented with a view to obtaining a 50/50 allocation of the sexes, especially at Level D1 (director) posts and the higher levels.

*** Positive action**

The equal opportunities strategy (1997-1999) in the Secretariat of the **Council of Europe** lays down the following measures aimed at reaching the target of equal representation of men and women: appointment by the recruitment juries of members of the under-represented sex, especially at levels A4-A7 and B2-B3; increased presence of the Equality Administrator on the recruitment juries; the recruitment of more men to 'secretarial' posts; the creation and implementation of means of allowing more women to be appointed to executive posts.

To follow up the directive of the General Assembly on the situation of women in the Secretariat, the Secretary-General of the **United Nations** has set up a series of special measures relating to matters of recruitment. These measures shall remain in force until the Secretary-General notes that significant progress has been made towards realising the aim of achieving equality between sexes.

*** Quotas in favour of women**

The Secretariat of the Council of Europe has not established a quota percentage in favour of women. Neither has it adopted any quantitative target to be reached in future years. However, its latest reports contain an analysis of the staff situation within the Secretariat, and always note the same thing: a numerical superiority of men at the upper levels and of women at the lower levels.

Within the Secretariat of the **United Nations**, there is no percentage of quotas in favour of women, although quantitative targets have been set with a view to obtaining equality between the sexes by the end of 2000.

*** Compensation procedures for unequal opportunities**

Response not known at time of completion of text.

CONCLUSION

Most of the differences within the structure of the international civil service are caused by the differing educational systems of the Member States and difficulty in comparing educational standards. Despite the numerous differences, however, there are a number of similarities between entry requirements and recruitment procedures.

In the Member States of the European Union, there is considerable similarity between the conditions for entry to the civil service, but many differences between the various recruitment procedures. The greatest differences are in the time taken for the stages of the recruitment procedure to be completed: advertising of job vacancies, submission of applications, examination of files, selection of candidates, appointment, allocation etc. In fact, the order in which these stages come varies from one country to another; sometimes they are in distinct chronological order, at other times they are combined. The only point that is the same everywhere is allocation, or its equivalent. The differing selection methods for entry to the civil service are still a bar to professional movement within the EU. In the absence of a Council of Ministers for the European Union Civil Service, an informal cooperation has instead been established for a number of years. The civil service, however, continues to be a national prerogative for the Member States.

Women currently account for a significant proportion of officials in the international public services, and in some European Union Member States they are actually in a majority. However, in most States they are still predominant in the lower levels and under-represented in the upper levels; in short, the higher you look in the hierarchy, the fewer women there are. This generalisation is also true for the European Institutions, the Council of Europe and the United Nations.

In accordance with Community and international provisions, the Member States, the European Institutions and the International Organisations are obliged to take steps to establish and guarantee equality of entry to the civil service, regardless of sex. On the legal level, all the Member States have implemented within their own internal structures the Community legislation relating to equality of employment opportunities, and significant improvements have been made to recruitment systems, such as the introduction of compulsory reports to the public authorities or the appointment of equal opportunities managers within the various ministries and departments. On a political level, clear progress has been made in increasing decision-making and representation by women in the decision-making structures of the political bodies. It is, however, still apparent that equality rights vary between Member States, from the clear reservation of posts for women only (quotas), through the according of priority to women in cases of equal merit (positive action), to a simple declaration stating that the authority in question is 'an equal opportunities employer'. In Finland, for example, the law on equality states that any indication favouring the appointment of men or women to a particular post constitutes a discrimination.

On 17 October 1995, the Court of Justice of the European Communities passed the Kalanke Ruling⁸ on the promotion of entry of women to jobs (positive action). On 11 November 1997 the Court issued its the Marschall Ruling⁹, which further clarified the scope of the Kalanke

⁸ Ruling of 17 October 1995, Case C-450/93, Eckhard Kalanke vs. Freie Hansestadt Bremen, Rec. 1995 p. I-3051.

⁹ Ruling of 11 November 1997, Case C-409/95, Hellmut Marschall vs. Land Nordrhein-Westfalen, Rec. 1997 p. I-6363.

Ruling. A recent Court of Justice Ruling concerning a **Swedish case**¹⁰ upheld the Marschall case law, considering that priority recruitment of women to the civil service should not be automatic, nor indeed should it be based purely on the fact that they are the under-represented sex. In addition, it is necessary for their qualifications, assessed objectively, to be equal to those of any male applicant. Only in this case may female applicants benefit from any form of priority. The Court therefore considered that the Swedish legislation, which provided for automatic measures in favour of recruitment of women to the civil service, even when their qualifications were not equal to those of the male applicants, was discriminatory and thus contrary to Community law.

There exists a legal structure that guarantees equality of entry for men and women to the civil service in Member States, in the European Institutions and in the International Organisations, but it is still being perfected in some areas. For example, it needs particular improvement in the examination of methods for dispensing with age limits in competitions for people who have taken a career break in order to raise children. The historical, cultural and extra-legal obstacles are still proving difficult to overcome. A change of attitude is therefore necessary, both within European society and in international society.

¹⁰ Court Ruling of 6 July 2000, Case C-407/98, Katarina Abrahamsson & Leif Anderson vs. Elisabet Fogelqvist, Not yet published in Rec, see *Agence Europe*, 7 July 2000.

Annex.
National qualifications allowing entry to European civil service recruitment competitions

	University course (A/LA)	Upper secondary education (B)	Upper and/or vocational secondary education (C)	Ordinary and/or vocational education (D)
B	Licence ou équivalent*	Certificat de l'enseignement secondaire supérieur	Certificat de l'enseignement secondaire inférieur	Certificat d'études de base
DK	Kandidateksamen	Studentereksamen Højere Handelseksamen Højere Forberedelseksamen	Folkeskolens udvidede afgangsprøver efter 10. klasse	Folkeskolens afgangsprøver efter 9. Klasse
D	Hochschulabschluß Fachhochschulabschluß*	Abitur	Mittlere Reife, Realschulabschluß	Hauptschulabschluß
EL	Πανεπιστημιακό δίπλωμα	Απολυτήριο μέσης εκπαίδευσης	Απολυτήριο σπουδών πρώτου κύκλου μέσης εκπαίδευσης (3τάξιο γυμνάσιο)	Απολυτήριο στοιχειώδους εκπαίδευσης
E	Licenciatura	Bachiller superior- BUP	Graduado Escolar	Certificado de Escolaridad
F	Maîtrise ou équivalent *	Baccalauréat	Brevet de collège d'études du premier cycle de l'enseignement secondaire	Attestation de fin d'études primaires
IRL	University degree or equivalent*	Leaving Certificate (2 honours, 4 passes)	Intermediate Certificate (6 passes)	Proof of completion of compulsory education
IT	Diploma di laurea	Diploma di maturità	Licenza di scuola media	Licenza di scuola elementare
L	Il n'existe pas de diplôme universitaire national	Diplôme de fin d'études secondaires	Certificat de fin d'études moyennes	Certificat de fin d'études complémentaires
NL	Doctoraalexamen Getuigschrift HBO *	Diploma VWO	MAVO-D	MAVO-C; LBO
A	Hochschulabschluß	Matura	Berufsbildende mittlere Schule, kaufmännische Berufsschule oder vergleichbarer Abschluß*	Pflichtschulabschluß
P	Licenciatura	12º ano de escolaridade Concurso ao ensino superior	Curso geral do ensino secundário (9 anos) Certificado do ensino unificado (9 anos)	Certificado do segundo ano do ensino preparatório

FIN	Yliopistollinen tutkinto* Universitetsexamen	Ylioppilastutkinto/ peruskoulu + kolmen vuoden opiskelu toisen asteen koulutuksessa* Studentexamen Grundskola +tre års studier i utbildning på andra stadiet	Peruskoulu + yhden vuoden opiskelu toisen asteen koulutuksessa. Grundskola + ett års studier i utbildning på andra stadiet	Peruskoulu Grundskola
S	Akademisk examen omfattande minst 120 poäng varav 60 poäng utgör fördjupade studier i ett ämne*	3-årig gymnasial utbildning	2-årig gymnasial utbildning	Grundskola
UK	University degree or equivalent*	General Certificate of Education A level - 2 passes or equivalent*	General Certificate of Secondary Education 5 passes or equivalent*	Proof of completion of compulsory education

* Assessed on a case-by-case basis.