

**DECISION**  
**ADB(D) 12-2010**

**Decision concerning the appraisal of the Executive director of the  
SESAR Joint Undertaking**

THE ADMINISTRATIVE BOARD OF THE SESAR JOINT UNDERTAKING (SJU),

Having regard to Council Regulation (EC) No 219/2007 as last modified by Council Regulation (EC) No 1361/2008, hereinafter the “SJU Regulation”,

Having regard to Council Regulation (EC) No 1361/2008, and in particular to Articles 2 and 3 thereof,

Having regard to Article 6 of the Joint Undertaking Statutes annexed to the SJU Regulation (hereinafter the “SJU Statutes”),

Having regard to the Staff Regulations of Officials of the European Communities (hereinafter Staff Regulations), and the Conditions of Employment of Other Servants of the European Communities (hereinafter CEOS), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68 and the amendments thereto,

Having regard to Articles 2(2) and 43 of the Staff Regulations, and Article 15(2) of the CEOS relating to the annual appraisal procedure,

Having regard to Article 34 of the Staff Regulations and Article 14 of the CEOS relating to the probationary period,

Having regard to Articles 44 and 46 of the Staff Regulations applicable by analogy to the temporary agents as laid down in the conclusion of heads of administration of 20 June 2005 on the management probationary period,

Having regard to Commission Decision SEC(2009)27 of 12 January 2009 concerning the guidelines relating to selection and appointment of the Directors of regulatory and executive agencies as well as joint undertakings,

Having regard to the SJU Administrative Board's Rules of Procedure,

In agreement with the European Commission, in accordance with Article 110 of the Staff Regulations,

Considering that:

- (1) The Executive director of the SESAR Joint Undertaking shall be subject to an annual appraisal, to a probationary period and to a management trial period. These various procedures aim to assess the achievements of the Executive director with regard to his ability, efficiency and conduct in the service.
- (2) The specific rules which govern the various appraisals, to which the Executive director shall be subject, determine the role of each actor and identify the various stages to be achieved in order to ensure the transparency of these procedures.

In its ordinary meeting of 19 October 2010, **HAS DECIDED AS FOLLOWS**

### **I. Annual appraisal of the Executive director**

#### **Article 1** *Scope*

1. The Executive director shall be subject to an annual appraisal exercise, organised at the beginning of each calendar year.
2. The reference period for the annual appraisal is from 1 January to 31 December of the preceding year.
3. To this end, an annual career development report covering the reference period is drawn up for the Executive director, who is a temporary agent within the meaning of the Article 2a) of the CEOS.
4. The Executive director concerned is hereinafter referred to as "the jobholder".
5. The jobholder report covers the period during which the Executive director was in activity. The period of activity covers a continuous period of at least *3 months* during the reference period.
6. The objective of the annual appraisal is to assess the efficiency, the competencies and the aspect of conduct in the service of the jobholder.
7. For the first appraisal exercise after nomination, the annual report concerns the period which is not covered by the probationary period report drawn up under Article 14 of the CEOS.

#### **Article 2** *Role of the various actors*

1. The Executive director as defined in the first Article shall be subject to an appraisal.
2. The appraiser, hereinafter referred to as "reporting officer", is instructed to carry out an appraisal of the jobholder. After the dialogue held in accordance with Article 6(3), he/she draws up a report and signs it.

3. In case of appeal, the appeal assessor makes the final decision on the report of the jobholder after consultation of the SESAR Joint Undertaking's Administrative Board.

### **Article 3**

#### *The reporting officer and the appeal assessor*

1. The reporting officer shall be the Chairperson of the Administrative Board.
2. The reporting officer cannot be designated to any other functions within the appraisal procedure of the jobholder.
3. The appeal assessor is the Director-General of the SESAR Joint Undertaking's parent Directorate-General within the European Commission, in consultation with the representative of EUROCONTROL, the other founding member of the SESAR Joint Undertaking, who sits in the Administrative Board.

### **Article 4**

#### *Carryover*

1. A carryover consists of drawing up a report whose content is identical to the preceding annual report. The report to be drawn up is closed if the jobholder and the reporting officer agree on the carryover, without it being necessary to follow the procedure set out in Article 6.
2. The carryover is authorised if there has been no significant change in the efficiency, competencies and/or conduct in the service of the jobholder.
3. In case of a carryover, a formal dialogue which covers the objectives set up and the training plan has to be organised between the reporting officer and the jobholder in accordance with Article 6(3). An annual report cannot be carried over more than once.

### **Article 5**

#### *Contents and form of the appraisal report*

1. The appraisal report shall appreciate simultaneously efficiency, competencies and conduct in the service of the jobholder.
2. Without prejudice to Article 5(1), the content and the form of the career development report can, if necessary, be amended by decision of the Administrative Board on a proposal from the reporting officer.

### **Article 6**

#### *Appraisal procedure*

1. Preferably the annual appraisal takes place during the first semester of the year following the reference period.

2. The jobholder establishes, within ten working days after the reporting officers' request, a self assessment which is incorporated into the appraisal report.
3. At the latest ten working days after the self assessment is communicated by the jobholder, the reporting officers and the jobholder hold a formal dialogue. If the jobholder refuses to finalise his self assessment within the required time, the reporting officer can decide to hold the dialogue when the deadline referred to in paragraph 2 has expired.
4. The dialogue covers the following elements:
  - a. the reporting officer examines the jobholder's efficiency based on the fulfilment of objectives and the implementing of the SESAR Joint Undertaking's work programme, adopted each year by the Joint Undertaking, the competencies shown and the conduct in the service of the Executive director, for the reference period.
  - b. the jobholder and the reporting officer set the objectives for the following reference period and - if necessary- a training plan which takes into account the objectives in relation to the agency annual work programme and the personal development goals.
  - c. At the latest ten working days after the formal dialogue, the reporting officer draw up a draft appraisal report. This draft comprises a general appraisal which takes into account the appraisals given on efficiency, competencies and conduct in the service of the jobholder, in accordance with the criteria defined in the appraisal report.
5. The report is notified in writing to the jobholder.
6. The jobholder has ten working days to accept the report without making any comments, accept it after adding comments in the appropriate section of the report, or refuse the report by justifying the revision request in the appropriate section. If the report is accepted by the jobholder, the appraisal report is closed. A report is deemed to be accepted in case of absence of reaction of the jobholder within the time foreseen.
7. The closed report is transmitted by the reporting officer to the Administrative Board for information.
8. The deadlines referred to in this Article start when the decision is likely to have been communicated to the person concerned or, at least, when the latter acting as a diligent temporary agent may be expected to be aware of the content of this decision and the underlying reasons.

#### **Article 7** *Appeal procedure*

1. The reasoned refusal is transmitted to the appeal assessor. The appeal assessor gives his/her opinion within ten working days as from the date of submission.
2. After consultation with the Administrative Board, the appeal assessor confirms or amends the report. When the appeal assessor departs from the opinion of the Administrative Board, he/she must justify such decision. The reporting officer is excluded from these consultations.
3. The report is then closed and communicated to the jobholder and to the Administrative Board.

## II. Probationary period for the Executive director

### Article 8

#### *Scope*

1. The newly nominated Executive director shall be subject to a probationary period, in accordance with Article 14 of the CEOS.
2. If the newly nominated Executive director is an official on secondment in the interest of the service, he is exempted from this probationary period.
3. The Executive director concerned is hereinafter referred to as "the probationer".
4. The probationary period starts on the first day of the entry into service of the director and finishes at the end of a 6-month-period. When, during the probationary period, the probationer is prevented, by sickness, maternity leave or accident, from performing his duties for a continuous period of one month or more, the reporting officer may propose to the appointing authority to extend his/her probationary period for the corresponding length of time without any other reason.

### Article 9

#### *Role of the various actors*

The reporting officer and the appeal assessor for the probationary period are designated according to Articles 2 and 3 of the present decision.

### Article 10

#### *Contents and form of the probationary report*

1. The probationary report aims to appreciate simultaneously the efficiency, the competencies and the conduct in the service of the probationer within the first six months of his service. It should also include the senior management skills assessment without prejudice to report, which is referred to in Articles 16(1).
2. Without prejudice to Article 10(1), the content and form of the probationary report can, if necessary, be amended by decision of the Administrative Board on a proposal from the reporting officer.

### Article 11

#### *Appraisal procedure for the probationary period*

1. During the month which follows the first day of entry into service, the reporting officer meets the probationer in order to comment on his job description and to agree, in writing, on how the objectives and the performance level expected from the probationer will be assessed during his probationary period. The assessment will particularly take into account the efficiency based on the fulfilment of objectives and the implementing of the agency work programme, competencies shown and conduct in the service of the executive director.

2. In case of clear ineptitude, a report can be drawn up at any time of the probationary period. Further proceedings of the appointing authority in such a case are stipulated in 4<sup>th</sup> paragraph of Article 14 CEOS.
3. At the latest one month before the expiry of the probationary period, a final report shall be drawn up by the reporting officer on the efficiency of the probationer, on his competencies to perform the duties pertaining to his post and on his conduct in the service. The probationer and the reporting officer hold a formal dialogue on the report.
4. At the latest ten working days after the formal dialogue, the reporting officers make an appraisal on the probationary period in accordance with Article 14 of the CEOS. The reporting officer can propose a positive appraisal, a negative appraisal, or to extend the probationary period. If the reporting officer proposes to the appointing authority to extend the probationary period, this extension shall be for a maximum period of six months. The total length of the probationary period shall in no circumstance exceed 12 months.
5. After having being notified of the report in writing, the probationer has ten working days to accept the report without making any observations, accept it after adding comments in the appropriate section of the report, or refuse the report justifying his decision in the appropriate section in conformity with the procedure foreseen in Article 12 of this decision. If the report is accepted by the probationer, the appraisal report is closed. A report is deemed to be accepted in case of absence of reaction of the probationer within the time foreseen.

**Article 12**  
*Appeal procedure*

The appeal procedure is identical to that defined in Article 7 of the present decision.

**III. Management probationary period**

**Article 13**  
*Scope*

1. The Executive director performing for the first time high-level management functions shall serve a management probationary period of nine months, in accordance with Articles 44 and 46 of the Staff Regulations applicable by analogy to the temporary staff under the conditions foreseen in the conclusion 240/05 approved by the Commission Heads of Administration at their 242<sup>nd</sup> meeting of 16 June 2005.
2. The Executive director performing high-level management functions in any other Community institution at the time of engagement (including duly completed related management probationary period therein) or having served at least two years in such high-level management functions in any other Community institution is exempted from a management probationary period.
3. The Executive director concerned is hereinafter referred to as "the probationer".

4. The management probationary period begins the first day of entry into service of the probationer and finishes at the end of a nine-month-period.

#### **Article 14**

##### *Role of the various actors*

The reporting officers of the management probationary period are designated according to Articles 2 and 3 of the present decision.

#### **Article 15**

##### *Contents and form of the management report*

1. The management report shall confirm the senior management skills of the probationer.
2. The content and form of the management report can, if necessary, be amended by decision of the Administrative Board on a proposal from the reporting officer.

#### **Article 16**

##### *Appraisal procedure for the management probationary period*

1. The appraisal report for the management probationary period shall be drafted by the reporting officers including the assessment carried out during the probationary period as referred to in Article 10.
2. If the probationary period is extended for at least 3 months, the appraisal of the probationer for his senior management functions will take place at the same time and covers the same period as the appraisal for the extended probationary period.
3. After the end of the management probationary period, the reporting officers draw up a draft report in accordance with paragraph 1 of this Article. The probationer and the reporting officer hold a formal dialogue. At the latest ten working days after the formal dialogue with the probationer, the reporting officer can propose either a positive or a negative appraisal of the management probationary period or its extension.
4. After having being notified of the report in writing, the probationer has ten working days to comment on the report. A report is deemed to be accepted in case of absence of reaction of the probationer within the time foreseen.

#### **Article 17**

##### *Management allowance*

1. The management allowance is paid after written confirmation of the probationer's capacity to fulfil his management functions satisfactorily in the report referred to in Article 16(1) once the latter is drafted.

2. The management allowance is paid retroactively as from the date of appointment of the probationer.

**Article 18**

*Special conditions applicable to the Executive director in place on 1 November 2007*

1. The provisions of Articles 8 through 17 of this decision do not apply to the Executive director in place on 1 November 2007.
2. The first reference period for the appraisal report of the Executive director in place on 1 November 2007 shall run up to 31 December 2009

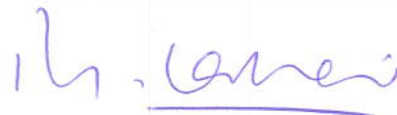
**Article 19**

*Entry into force*

This decision shall enter into force on the day following its adoption.

Done in Brussels, on 19 October 2010.

For the Administrative Board



Daniel Calleja Crespo  
*The Chairperson*