

DECISION
ADB(D)-04-2012

on the general provisions for implementing Article 43 of the Staff Regulations and Articles 15 and 87 of the Conditions of Employment of Other Servants of the European Community

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

Having regard to:

1. The Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union (hereinafter referred to as the CEOS), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68, and in particular to Articles 43 of the Staff Regulations and Articles 15 (2) and 87(1) of the CEOS,;
2. The Council Regulation (EC) n° 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation of the European air traffic management system (SESAR) as modified by Council Regulation n° 1361/2008 of 16 December 2008¹ and in particular Article 2a thereof;

After consultation of the Staff Committee and in agreement with the European Commission pursuant to article 110 of the Staff Regulations;

Whereas:

The appraisal system applicable to the SESAR Joint Undertaking's (hereinafter SJU) staff shall be governed by rules that aim in particular at assessing individual achievements and performance in the light of the results to be attained, competencies and the various aspects of conduct in the service.

In its ordinary meeting of 29 March 2012, **HAS DECIDED AS FOLLOWS:**

¹ Council Regulation (EC) n° 219/2007 of 27 February 2007, OJ L 64, 02/09/2007, p.1 - 11, modified by Council Regulation (EC) n° 1361/2008 of 16 December 2008, OJ L 352, 31/12/2008, p.12.

Article 1 - Scope

1. The present decision applies to the appraisal of every temporary agent and contract agent in the SJU (with the exception of the Executive Director), hereafter referred to as staff members.

In accordance with Article 43 of the Staff Regulations and Article 15(2) and 87(1) of the Conditions of Employment of Other Servants, an appraisal exercise shall be organised at the beginning of each year. The appraisal period shall be from 1 January to 31 December of the preceding year.

To this end, an annual report covering the reporting period, known as the career development report, shall be drawn up for every staff member who has been in active employment for a continuous period of at least one month during the reporting period. The staff members concerned are referred to hereinafter as "jobholders". The report shall cover the periods in which the jobholder was in active employment, within the appraisal period.

2. The appraisal system shall be aimed in particular at assessing the jobholder's efficiency, competencies and conduct in the service.
3. Probationary staff shall be assessed in accordance with Article 34 of the Staff Regulations (officials) or Article 14 and 84 of the Conditions of Employment of Other Servants (temporary and contract agents).
4. In the case of staff members who:
 - are to be retired automatically under Article 47, point a of the Conditions of Employment of Other Servants in the year following the reporting period;
 - are the subject of a decision of the SJU leading to termination of their service within the meaning of Article 47, point b, or Article 119 of the Conditions of Employment of Other Servants;
 - in the year following the reporting period have been granted an invalidity pension by the SJU under Article 78 of the Staff Regulations which takes effect in the course of the reporting period or the year following the reporting period or
 - have either left the service of SJU permanently during the reporting period or will do so in the year following the reporting period,

a report needs to be drawn up only if the respective staff members submit an express written request to that effect to the reporting officer referred to in Article 2.

Article 2 - Respective roles and ranks

1. The **jobholder** is the staff member, as defined in Article 1, who is subject of the appraisal.
2. The **reporting officer** is the jobholder's direct superior, in accordance with the delegation of authority established by the Executive Director in this respect. He/she shall conduct the appraisal. After a dialogue has taken place in accordance with Article 4(3) the reporting officer shall draw up a draft report. Reporting officers shall sign the reports of the jobholders which they are responsible for.

The Executive Director shall be the reporting officer for jobholders of whom he is the direct superior. He may, without relinquishing his role as reporting officer, delegate the preparatory work of the appraisal of the jobholder(s) to a temporary agent who supervises their work and who is considered capable of assuming that role, in the light of the duties he performs and his abilities.

3. The **appeal assessor** is the Executive Director of the SJU. He/she shall take the final decision on the report in case of an appeal. In the event the Executive Director is the reporting officer, the appeal assessor function should be performed by the Chairperson of the SJU Administrative Board.
4. Jobholders shall be informed about the persons acting as reporting officer and appeal assessor for the appraisal before the beginning of the appraisal exercise.

Article 3 - Career development report and career development plan

1. The SJU shall publish an appraisal guide showing how to set objectives, evaluate efficiency, competencies and conduct in the service and fill in the career development report. Jobholders and reporting officers shall ensure that the guidelines are respected.
2. The layout of the career development report and the appraisals guide may be altered, by decision of the Executive Director, after consulting the Staff Committee, to take account of staff policy requirements.
3. Jobholders shall each be allowed access to their career development reports at any moment on request.

Article 4 - Appraisal procedure

1. The annual appraisal exercise shall begin in January and shall be closed by the end of the first semester at the latest.
2. Within 8 working days of receiving the request from the reporting officer, the jobholder shall complete the self-assessment included in the career development report.
3. Within 10 working days of the jobholder submitting a self-assessment, the reporting officer and the jobholder shall engage in a formal dialogue. The dialogue shall constitute one of the reporting officer's basic management duties.
4. If the jobholder fails to finalise the self-assessment within the time limit applicable, the reporting officer may immediately invite the jobholder to a formal dialogue.
5. The dialogue shall cover the following three aspects:
 - in the light of the self-assessment referred to in paragraph 2, the appraisal of the jobholder's performance during the reporting period. Taking the self-assessment into account the reporting officer shall, jointly with the jobholder, consider the latter's efficiency, the competencies he/she has demonstrated and his/her conduct in the service during the reporting period.
 - setting objectives for the year following the reporting period. The reporting officer shall present the jobholder with proposed objectives to be attained in the context of the post, together with a list of the competencies required, the manner in which the results are to be assessed and the conditions in which they are to be achieved. The objectives shall be in line with the working conditions, the job description of the jobholder and be consistent with the objectives of the work programme of the SJU. They shall constitute the basis on which efficiency is to be measured. If the reporting officer and the jobholder cannot agree on the objectives, the Executive Director, or the Chairperson of the Administrative Board where the Executive Director is the reporting officer, shall take a final decision on the matter after hearing the jobholder's views. The objectives shall form an integral part of the career

development report for the period concerned. The objectives shall be re-examined and possibly adapted in the event of any significant change in the nature of the jobholder's duties. They may also be reviewed in the course of the year and, where necessary, adapted.

- the reporting officer shall discuss with the jobholder his or her training needs and recommend, if necessary, specific courses taking into account the objectives linked to the jobholder's work programme, personal development goals and career development.
6. Immediately after the formal dialogue has been held, the reporting officer shall draft the career development report, which shall include comments on efficiency, competencies and conduct in the service and an analytical evaluation (global appreciation) which is consistent with the indications given during the formal dialogue. He shall sign it and submit it to the jobholder.
 7. The jobholder shall have up to 5 working days to accept the report without adding any comments, accept it after adding some comments in the appropriate section, or refuse to accept the report, stating in the appropriate section the reasons for requesting that it shall be reconsidered.

If he/she accepts it, the career development report shall be considered final. If the jobholder fails to react within the time limit set, he/she shall be deemed to have accepted the report.

Article 5 - Appeal process

1. The jobholder's reasoned refusal to accept the report shall automatically mean referral of the matter to the appeal assessor referred to in article 2. The jobholder may at any moment withdraw his appeal.
2. At the specific request of the jobholder in his reasoned refusal to accept the report, the appeal assessor shall invite the jobholder to a formal dialogue within ten working days from the refusal. During the dialogue, the jobholder may be assisted by any other jobholder.
3. Within twenty working days from the reasoned refusal to accept the report, the appeal assessor shall confirm or modify the report giving the reasons for his decision.

The appeal assessor's decision may not be based on facts that the jobholder was not in measure to comment on during the appraisal or appeal, except if the appeal assessor gives this opportunity.

4. Following the decision of the appeal assessor, the report becomes final. The jobholder is informed par mail or any other way, that the decision finalising the report has been adopted, in accordance to the present article or article 4 and that the report is available. If the decision by which the report is final is taken under the provisions of the present article, the jobholder will also have access to the appeal assessor's decision. This information shall be considered as communication of the decision under article 25 of the Staff Regulations. The period of three months foreseen in article 90 paragraph 2 of the Staff Regulations, for launching complaint starts to run on the date of communication of that information.

Article 6 - Specific provisions

The first reference period for the appraisal report of temporary agents and contract agent in place before 1 January 2011 shall be from the date of entry into service till 31 December 2011.

Article 7 -Final provisions

The present general provisions shall enter into force as from 1 January 2012 and apply to the reports established from 1 January 2012 onwards.

Done in Brussels, 29 March 2012.

For the Administrative Board



Matthias Ruete
The Chairperson

ANNEXES

- Commission decision on introducing implementing provisions on leave (C(2010) 7495 of 05.11.2010)
- Commission decision on general implementing provisions for Article 42a of the Staff Regulations concerning parental leave (C(2010) 7572 of 05.11.2010)
- Commission decision on Article 42b of the Staff Regulations concerning family leave (C(2010) 7494 of 05.11.2010)
- Commission Decision on Article 55a and Annex IV a of the Staff Regulations concerning part-time work (C(2010) 7573 of 05.11.2010)
- Commission decision on general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations on transferring pension rights (C(2011) 1278 of 03.03.2011)