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**DECISION OF THE GOVERNING BOARD OF ARTEMIS JOINT UNDERTAKING
CONCERNING THE APPRAISAL FOR THE EXECUTIVE DIRECTOR OF THE
ARTEMIS JOINT UNDERTAKING**

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) n° 259/68 and the amendments thereto,

Having regard to Article 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 Council Regulation n° 74/2008 of 20 December 2007 setting up the ARTEMIS Joint Undertaking

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,

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

CONSIDERING THAT

- (1) The Executive Director of the ARTEMIS 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.
- (3) The Council Regulation n° 74/2008 of 20 December 2007 setting up the ARTEMIS Joint Undertaking states that the director's term of office may be extended once after

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an evaluation of his performance. This evaluation may be based on annual evaluations carried out according to the present decision.

I. Annual appraisal

Article 1: Scope

1. The Executive Director of the Joint Undertaking shall be subject to an annual appraisal exercise, organised at the beginning of each calendar year.

The reference period for the annual appraisal is from 1 January to 31 December of the preceding year.

To this end, an annual career development report covering the reference period is drawn up for the Joint Undertaking Executive Director, who is a temporary agent within the meaning of the Article 2a) of the CEOS.

The Joint Undertaking Executive Director concerned is hereinafter referred to as "the jobholder". The report covers the period during which the jobholder was in activity. The period of activity covers a continuous period of at least 3 months during the reference period.

2. The objective of the annual appraisal is to assess the efficiency, the competencies and the aspect of conduct in the service of the jobholder.

3. 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 Joint Undertaking Executive Director as defined in the first Article shall be subject to an appraisal.

2. The appraisers, hereinafter referred to as "reporting officers", are instructed to carry out an appraisal of the jobholder. After the dialogue held in accordance with Article 6(3), they draw up a report and sign it.

3. In case of appeal, the appeal assessor makes the final decision on report of the jobholder after consultation of the Governing Board.

Article 3: Designation of the reporting officers and the appeal assessor

1. The Governing Board designates at least two reporting officers from among the representatives of the JU members. The reporting officers should equally represent the Commission, the industry partners, and the other public authorities involved in the Joint Undertaking. Reporting officers cannot be designated to any other functions within the appraisal procedure of the Joint Undertaking Executive Director.

2. The appeal assessor is the chairperson of the Governing Board.

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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 officers 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 officers 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 career development 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 Governing Board on a proposal from the reporting officers.

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 10 working days after the reporting officers' request, a self assessment which is incorporated into the career development report.
3. At the latest fifteen 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 officers can decide to hold the dialogue when the deadline referred to in paragraph 2 has expired.

The dialogue covers the following elements:

- a) the reporting officers examine the jobholder's efficiency based on fulfilment of objectives and carrying out of the implementing plan adopted each year by the Joint Undertaking, demonstrated competencies and the conduct in the service of the jobholder for the reference period.
 - b) the jobholder and the reporting officers set the objectives for the following reference period and, if necessary, a training plan which takes into account the personal development goals.
4. At the latest fifteen working days after the formal dialogue, the reporting officers draw up a draft career development 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.

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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 to the chairperson of the Governing 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 opinion to the jobholder within 5 working days as from the date of submission.
2. After consultation with the Governing Board, the appeal assessor confirms or amends the report. When the appeal assessor departs from the opinion of the Governing Board, he must justify his decision. The reporting officers are excluded from these consultations.
3. The report is then closed and communicated to the job holder and to the Governing Board.

II. Probationary period

Article 8: Scope

1. The newly nominated Joint Undertaking Executive Director shall be subject to a probationary period, in accordance with Article 14 of the CEOS.
2. The Joint Undertaking Executive Director concerned is hereinafter referred to as "the probationer".
3. The probationary period starts on the first day of the entry into service of the Joint Undertaking Executive 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 officers may propose to the appointing authority to extend his probationary period for the corresponding length of time without any other reason.

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Article 9: Role of the various actors

The reporting officers and the appeal assessor for the probationary period are nominated according to Article 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 high-level management skills assessment without prejudice to the 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 Governing Board on a proposal from the reporting officers.

Article 11: Appraisal procedure for the probationary period

1. During the month which follows the first day of entry into service, the reporting officers meet 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 fulfilment of objectives and carrying out of the Joint Undertaking implementing plan, demonstrated competencies and conduct in the service of the Joint Undertaking Executive Director.

2. In case of clear inaptitude, 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 4th paragraph of article 14 CEOS.

3. At the latest one month before the expiry of the probationary period, a report shall be drawn up by the reporting officers 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 officers hold a formal dialogue on the report.

4. At the latest 10 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 officers can propose to the appointing authority a positive appraisal, a negative appraisal, or to extend the probationary period. In the latter case 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 eight 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.

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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 Joint Undertaking Executive Director performing for the first time high-level management functions in a Community institution 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 242nd meeting of 16 June 2005.¹
2. The Joint Undertaking Executive Director performing high-level management functions in any other Community institution at the time of the 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 Joint Undertaking 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 nominated according to Article 2 and 3 of the present decision.

Article 15: Contents and form of the management report

1. The management report shall confirm the high-level management skills of the probationer.
2. The content and form of the management report can, if necessary, be amended by decision of the Governing Board on a proposal from the reporting officers.

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.

¹ See: http://www.cc.cec/guide/publications/infoadm/2005/ja05048_en.html

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2. If the probationary period is extended for at least 3 months, the appraisal of the probationer for his high-level 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 officers hold a formal dialogue. At the latest 10 working days after the formal dialogue with the probationer, the reporting officers can propose a positive appraisal, a negative appraisal, or to extend the management probationary period.

4. After having being notified of the report in writing, the probationer has eight 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.

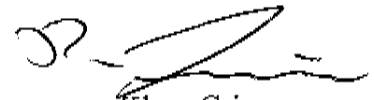
2. The management allowance is paid retroactively as from the date of appointment of the probationer.

Article 18: Entry into force

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

Done at Brussels, 24 February 2010

For the Governing Board



Klaus Grimm
Chairperson of the Governing Board