

## EB DECISION



<b>DECISION No:</b>	<b>2011/01</b>
<b>SUBJECT:</b>	<b>DECISION concerning the appraisal for the director of the European Union Agency for Fundamental Rights</b>
<b>PERSON RESPONSIBLE:</b>	<b>Director</b>
<b>STATUS:</b>	<b>FINAL</b>

THE EXECUTIVE BOARD OF THE EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS,

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 the Council Regulation (EC) n° 168/2007 of 15 February 2007 establishing the European Union Agency for Fundamental Rights (hereafter “the Agency”) and in particular Articles 15 and 24 thereof,

Having regard to Commission Decision SEC (2005) 625 of 13 May 2005 concerning the guidelines relating to the appointment of the heads of the Community agencies,

Following consultation with the Staff Committee on 13 September 2010 and subject to the agreement of the European Commission pursuant to Article 110 of the Staff Regulations,

Considering that

(1) The director of European Union Agency for Fundamental Rights 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 director with regard to his ability, efficiency and conduct in the service.

(2) The specific rules which govern the various appraisals, to which the 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.

## **I. Annual appraisal**

### Article 1: Scope

1. The director of the agency shall be subject to an annual appraisal exercise, organized 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 (CDR) covering the reference period is drawn up for director, who is a temporary agent within the meaning of the Article 2a) of the CEOS.

The agency 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 agency 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 Management Board.

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

1. The two reporting officers will be the Chairperson given that this is the person with whom the Director has the most frequent work relationship and the European Commission representative due

to the Commission's engagement in the selection of the director. Reporting officers cannot be designated to any other functions within the appraisal procedure of the director.

2. The appeal assessor will be a member of the Management 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 officers agree on the carryover, without it being necessary to follow the procedure set out in Article 6.

2. The carryover is authorized 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 organized between the reporting officers and the jobholder in accordance with Article 6(3).

4. 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 Management 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 five working days after the reporting officers' request, a self assessment which is incorporated into the career development 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 finalize 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 the fulfillment of objectives and the implementing of the agency work programme, adopted each year by the agency, the competencies shown 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 objectives in relation to the agency annual work programme and the personal development goals.

4. At the latest ten 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.

5. The report is notified in writing to the jobholder.

6. The jobholder has five 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 Executive 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 within 5 working days as from the date of submission.

2. After consultation with the Management Board, the appeal assessor confirms or amends the report. When the appeal assessor departs from the opinion of the Management 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 Management Board.

#### Article 8: Special case

If the jobholder is an official seconded in the interest of the service, in application of the principle of double career, the agency appraisal report, once drawn up, is transmitted to the parent DG as a basis for the draft report on the career development report of the official within the Commission.

## II. Probationary period

### Article 9: Scope

1. The newly nominated agency director shall be subject to a probationary period, in accordance with Article 14 of the CEOS.
2. If the newly nominated agency director is an official on secondment in the interest of the service, he is exempted from this probationary period.
3. The agency 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 officers may propose to the appointing authority to extend his probationary period for the corresponding length of time without any other reason.

### Article 10: Role of the various actors

The reporting officers and the appeal assessor for the probationary period are the same as those for the annual appraisal, as defined in Article 2 and 3 of the present decision.

### Article 11: 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 11(1), the content and form of the probationary report can, if necessary, be amended by decision of the Management Board on a proposal from the reporting officers.

### Article 12: 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 the fulfillment of objectives and the implementing of the agency work programme, competencies shown and conduct in the service of the 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 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. If the reporting officers propose 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 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 13 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 13: Appeal procedure

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

### **III. Management probationary period**

#### Article 14: Scope

1. The agency director performing for the first time senior 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 conclusions of the heads of administration of 20 June 2005.

2. The director performing senior management functions including managerial tasks at the time of the engagement or having served at least two years in such management functions in any other European institution is exempted from a management probationary period.

3. The agency 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 15: Role of the various actors

The reporting officers of the management probationary period are the same as those for the annual appraisal, as defined in Article 2 and 3 of the present decision.

Article 16: 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 Management Board on a proposal from the reporting officers.

Article 17: Appraisal procedure for the management probationary period

1. The appraisal report for the management probationary period shall be drafted including the assessment carried out during the probationary period as referred to in article 11.
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 officers hold a formal dialogue. At the latest 10 working days after the formal dialogue with the probationer, the reporting officers can propose either a positive appraisal of the management probationary period or its extension.
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 18: Management allowance

1. The management allowance is paid after written confirmation of the probationer's capacity to fulfill his management functions satisfactorily in the report referred to in article 17(1) once the latter is drafted.
2. The management allowance is paid retroactively as from the date of appointment of the probationer.

Article 19: Entry into force

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

Done in Vienna, on 19/05/2011



Ilze Brands Kehris  
Chairperson of the Management Board



## CAREER DEVELOPMENT REPORT ANNUAL APPRAISAL

### 1. REPORT DETAILS

#### 1.1. *Period*

Reporting period:                      from:                      to:

#### 1.2. *Reporting officers*

*Reporting officer 1 (representative of the Commission)*

Name, first name:	
Institution:	
Function:	

*Reporting officer 2 (Chairperson of the Executive Board)*

Name, first name:	
Institution:	
Function:	

### 2. PERSONAL DATA OF THE APPRAISEE

Name, first name:	
Grade and step:	
Personal number:	

### 3. OVERALL PURPOSE, FUNCTIONS AND DUTIES

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4. **PLANNED OBJECTIVES FOR THE REFERENCE PERIOD**

4.1. *Objectives in relation to the agency's annual work programme*

*Agreed objectives in order of priority*

*Assessment criteria*

<i>Agreed objectives in order of priority</i>	<i>Assessment criteria</i>

4.2. *Personal development Goals*

*Agreed objectives in order of priority*

*Assessment criteria*

<i>Agreed objectives in order of priority</i>	<i>Assessment criteria</i>

5. **SELF ASSESSMENT**

To be completed within 5 working days of one or both reporting officer(s)' request.

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5.1. *Achievements of objectives*

List your main achievements; if you faced difficulties, describe them and propose changes to improve the situation.

**5.2. Personal development**

Which competencies/aspects of conduct would you like to develop for your current job?

**6. APPRAISAL**

**6.1. Efficiency**

*General ability to carry out the task and achieve the objectives of the Agency's Director, as these have been laid down in the founding regulation*

Criteria	Comments and assessment*

Initials of the reporting officers and the Director

**6.2. Competencies**

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\* Level: Outstanding, Very good, Good, Sufficient, Poor, Insufficient

*6.2.1. Task management, decision making*

Criteria:	Comments and assessment

*6.2.2. People management*

Criteria:	Comments and assessment

*6.2.3. Information and communication*

Criteria:	Comments and assessment

**6.3. Aspects of conduct**

*Working with others, service culture, personal commitment, dealing with conflicts.*

Criteria:	Comments and assessment

**6.4. Overall Summary**

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**7. APPROVAL**

**7.1. Reporting officers ' signature**

Signature by Reporting Officer 1	Date

Signature by Reporting Officer 2	Date

Initials of the reporting officers and the Director

**7.2. Signature by the appraisee**

You may enter any comments you wish to make about your appraisal in the section below.

In case you disagree with the findings of this report you may appeal to the chairman of the board.

Comments (including request for appeal)

Signature by the appraisee	Date

**8. APPEAL PROCEDURE**

**8.1. Opinion of the Chairperson of the Management Board in case of an appeal by the appraisee.**

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**8.2.1. Transmission of the report to the agency's Management Board**

Date of transmission
<b>Opinion of the agency's Management Board</b>

**8.2.2. Decision of the Chairperson of the Management Board and signature**

Signature by the Chairperson of the Executive Board	Date



## PROBATIONARY REPORT

Personal number:

**1. Report details**

**1. 1. Period**

Probationary period: from:  to

**1. 2. Reporting officer 1 (representative of the Commission)**

Name, first name:	<input type="text"/>
Personnel N°:	<input type="text"/>
Position:	<input type="text"/>

***Reporting officer 2 (Chairperson of the Executive Board)***

Name, first name:	<input type="text"/>
Position:	<input type="text"/>

**2. Personal details of the probationer**

First name:	<input type="text"/>
Name:	<input type="text"/>
Grade and step:	<input type="text"/>
Tel.:	<input type="text"/>
Place of employment:	<input type="text"/>

3. **Probationary report**

3.1. **Capacities**

* Aptitude to carry out the current tasks and to achieve the fixed objectives [Efficiency]	Satisfactory [...].	Insufficient [...].
* Aptitude for management [Competencies ]	Satisfactory [...].	Insufficient [...].
* Personal commitment, working with others [Conduct in the service ]	Satisfactory [...].	Insufficient [...].

3.2. **Breaks in the service (length and reasons)**

3.3. **General comments**



4. Recommendation of the reporting officers at the end of the probationary period

* Confirmation on his/her functions .....	<input type="checkbox"/>
* Probationary period to be extended .....	<input type="checkbox"/>
* Appointment to be terminated at the end of the probationary period .....	<input type="checkbox"/>

5. Final approval

5.1. Reporting officers' signature

Date of dialogue:
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Signed by	DATE
Signed by	DATE

5.2. Probationer's signature

YOU MAY ENTER ANY COMMENTS YOU WISH TO MAKE ABOUT YOUR APPRAISAL IN THE SECTION BELOW.

If you are not in agreement with the content of the report or some of its aspects and do not wish to accept it, you will use this section to ask, within 8 working days, to ask that the Committee be apprised; and it, by specifying the reasons for such a request.

Additional comments

Please sign and send the report to the reporting officers within 8 working days.

Signed by		DATE	
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6. Appeal procedure

- ▶ Transmission of the report to the chairperson of the Executive Board and opinion

- ▶ Transmission to the Management Board and opinion

**Final Decision of the Chairperson of the Executive Board:**

- ▶ Confirmation in his/her functions

- ▶ Appointment to be terminated at the end of the probationary period

Comments if the opinion of the chairperson of the departs from that of the management board

**ABILITIES REQUIRED TO APPLY FOR A MANAGEMENT POST**

I – The core abilities are:

- *General management skills, including:*
  - The ability to set and revise objectives for the Agency within the overall strategic framework of the FRA.
  - The ability to determine and focus on priorities and to monitor and evaluate the progress made towards achieving the objectives set, in cooperation with the staff.
  - The ability to choose co-workers suited to the efficient pursuit of the Agency's objectives.
  - The ability to empower members of the team while ensuring that they understand what is expected of them and how their work contributes to the Agency's objectives.
  - The ability to motivate members of the departments to achieve the desired results and also to enable them to achieve their objectives and greatest potential.
- *Communication skills*
  - Ability to communicate clearly and present complex subjects simply, both orally and in writing, to the members of the staff.
- *Interpersonal skills*
  - Ability to deal with people effectively and courteously and to build productive and cooperative working relationships with departments and colleagues.
- *Negotiation skills*
  - Ability to steer discussions and generate the best possible results without compromising productive working relationships with the other parties involved.

II - **Technical qualifications** include points of the following type:

- *Familiarity with administrative, financial and oversight issues.*
  - Staff members must have a good knowledge of the administrative and financial circuits within the FRA and, ideally, experience of them. Knowledge of the relevant procedures would clearly be an additional asset. A high degree of competence in handling budgetary resources could be of key importance, depending on the post in question.

III - **Specialist knowledge** comprises points such as:

- *Knowledge of Community policies, languages, legislation and programmes, where relevant to the post in question*

Occupying a Director post efficiently and effectively requires possession of these competencies to a high degree. The relative weighting of the various elements will depend largely on the particular features of each post.



## MANAGEMENT PROBATIONARY PERIOD REPORT

### 1. REPORT DETAILS

#### 1.1. Evaluation period

Reporting period: from:  to

#### 1.2. Reporting officers

*Reporting officer 1 (representative of the Commission):*

Name, First name	
Institution	
Staff number	
Function	

*Reporting officer 2 (Chairperson of the Executive Board)*

Name, First Name	
Institution	
Function	

### 2. PERSONAL DATA OF THE APPRAISEE

Name, first name	
Grade and step	
Function	

**3. MANAGEMENT COMPETENCIES**

	MANAGEMENT COMPETENCIES			Motivation
	Good	Average	Insufficient	
Leadership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.....
Management of people (i.e. capacity to motivate and delegate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.....
Working with others	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.....
Fixing objectives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.....
Delivery of results (where appropriate, management of finance)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.....
Communication (and where appropriate, negotiating skills)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	.....

**4. DECISION OF THE REPORTING OFFICERS**

Positive appraisal for the ability to manage

Extension of the management probationary period

Date:

Signature of the reporting officers