

## **EUROJUST DECISION**

**of 19 December 2005**

### **ON THE GENERAL PROVISIONS FOR IMPLEMENTING AN APPRAISAL EXERCISE WITH REGARDS TO THE RENEWAL OF CONTRACTS**

**EUROJUST,**

HAVING REGARD to Council Decision 2002/187/JHA of 28 February 2002 on the setting up of EUROJUST with a view to reinforcing the fight against serious crime, last amended by the Council decision 2003/659/JHA of 18 June 2003, and in particular Article 30 thereto,

HAVING REGARD to the Rules of Procedure of Eurojust (2002/C 286/01) and in particular articles 24 and 25 thereto,

WHEREAS it is deemed necessary to conduct an appraisal exercise aimed in particular at evaluating individual accomplishments and performance, abilities and the various aspects of conduct in the service, to provide with a solid basis for deciding on the renewal of contracts at Eurojust,

WHEREAS a performance appraisal system to generally serve the purposes mentioned in the previous paragraph will only be put in place starting on 1 January 2006 in the framework of the reform of the Staff Regulations;

WHEREAS the first staff contracts will end their duration on 1 July 2006 and there is no time to implement the performance appraisal system in time to be able to inform the staff members of the decision of the Appointing Authority regarding the renewal of their contract,

**HAS DECIDED AS FOLLOWS:**

#### *Article 1*

##### *Scope*

1. A renewal of contract performance appraisal shall be conducted. The appraisal shall cover the entire period of employment at Eurojust.

Accordingly a report, known as the "renewal of contract performance appraisal", shall be drawn up for every official within the meaning of Article 1 of the Staff Regulations and every member of the temporary staff (other than those occupying positions of Administrative Director) within the meaning of (a), (c) or (d) of Article 2 of the Conditions of Employment, whose contract ends during the period where a regular annual performance evaluation exercise carried out to evaluate the staff member at least for a full year is not yet in place. The permanent officials and members of the temporary staff concerned are hereinafter referred to as "post holders". The appraisal shall cover the periods in which the post holder was in active service.

2. The appraisal exercise shall be aimed in particular at evaluating the post holder's skills, efficiency, abilities, development and conduct in the service.

## *Article 2*

### *Respective roles*

1. The **post holder** is the member of staff, as defined in Article 1, who is being appraised.
2. The **reporting officer** is the person responsible for carrying out the appraisal. After a dialogue has taken place in accordance with Article 5(3) the reporting officer shall draw up a draft appraisal. Reporting officers shall sign the appraisals for which they are responsible.
3. The **countersigning officer** is the person who, for the renewal of contract performance appraisal for which he or she is responsible, sees to the consistent application of the appraisal standards applicable. Before countersigning the renewal of contract performance appraisal for which they are responsible, countersigning officers shall compare the analytical evaluations proposed by the reporting officers. In cases of disagreement with the reporting officer, final responsibility for the appraisal shall rest with the countersigning officer.
4. The **appeal assessor** is the person who decides on the follow-up to the opinion delivered by the Joint Instance referred to in Article 6.
5. The Administrative Director and the heads of unit/services shall, for the units/services for which they are responsible, ensure that the appraisal of post holders' merits is consistent within each grade.

## *Article 3*

### *Rank of the reporting officer, countersigning officer and appeal assessor*

1. The reporting officer shall normally be the post holder's head of unit/service/National Member, the countersigning officer the Head of the Human Resources Unit, or by his/her delegation another member of the

Human Resources Unit, and the appeal assessor, the Administrative Director.

2. In the case of a large unit the head of unit may, subject to the approval of his or her hierarchical superior, delegate the role of reporting officer to AD officials who administer or supervise AST post holders,<sup>1</sup> in which case the head of unit shall be the countersigning officer and the Administrative Director shall continue to be the appeal assessor.

Heads of unit/service may, without relinquishing their role as reporting officer, delegate the work preparatory to the appraisal of post holders in their unit/service, including the preparation of the dialogue referred to in Article 5(3), to an official assigned to the unit/service who, in the light of his or her ability and the duties he or she exercises within the unit/service.

3. The Administrative Director shall be the reporting officer for post holders of whom he/she is the direct hierarchical superior.

If the Administrative Director is the reporting officer, he or she shall also be the countersigning officer and the appeal assessor.

#### *Article 4*

##### *The renewal of contract performance appraisal*

1. The renewal of contract performance appraisal form is enclosed in Annex I of this decision. The Human Resources Unit will provide support to the reporting officers or countersigning officers when required. The Human Resources Unit will make the necessary as to ensure that a common practice is respected in the process of drafting the reports by all parties involved (i.e. post holders, reporting officers and countersigning officers).

#### *Article 5*

##### *Appraisal procedure*

1. The renewal of contract appraisal exercise shall begin as soon as possible after the entry into force of this decision.
2. The post holder shall, within four working days of receiving a request to that effect from the reporting officer, produce a self-assessment, which shall be included in the renewal of contract performance appraisal.
3. Within ten working days of the post holder submitting a self-assessment, the reporting officer and the post holder shall engage in a formal dialogue.

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<sup>1</sup> Until 1 May 2006, any reference to function group AD shall be read as reference to A\* category and any reference to function group AST shall be read as reference to B\*, C\* and D\* category.

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The reporting officer may, if the post holder refuses to complete the self-assessment within the time limit, decide that the dialogue should take place when the time limit specified in paragraph 2 expires.

Taking the self-assessment into account, the reporting officer shall, together with the post holder, consider the latter's skills, efficiency, abilities, development and conduct in the service during the reporting period. In this context the reporting officer shall not take into account any justified absences of the post holder. The reporting officer shall give an indication regarding the post holder's performance during the reporting period. Such indication shall be given in the form of an analytical evaluation grading from 1 to 5.

4. Immediately after the formal dialogue the reporting officer shall draw up a draft renewal of contract performance appraisal and a proposed analytical evaluation which is consistent with the indications given during the formal dialogue.
5. The Administrative Director shall seek to ensure that, throughout EUROJUST and within each function group and grade, the merits of the post holders concerned are appraised consistently.
6. The reporting officer and the countersigning officer shall finalise each renewal of contract performance appraisal and transmit it to the post holder.

Extreme analytical evaluations (such as 1, 2 or 5) shall be subject to a proper justification in writing.

7. The post holder shall react within five working days after receipt of the appraisal. The post holder has the following options:
  - to accept the appraisal without adding any comments;
  - to accept it after adding some comments in the appropriate section;  
or,
  - to refuse to accept the appraisal, stating in the appropriate section the reasons for requesting that it be reconsidered.

If the post holder accepts the renewal of contract performance appraisal, it is declared final. If the post holder fails to react within the time limit laid down above he or she shall be deemed to have accepted the renewal of contract performance appraisal.

8. The countersigning officer shall, if the post holder refuses to accept the renewal of contract performance appraisal, engage in a dialogue with the post holder within five working days. If the post holder, reporting officer or countersigning officer so requests, the reporting officer shall also take part in the dialogue.

No later than five working days after this dialogue the countersigning officer shall either confirm the original appraisal or alter it and transmit the appraisal to the post holder.

The post holder shall react within five working days after receipt of the appraisal. The post holder has the following options:

- to accept the appraisal without adding any comments;
- to accept it after adding some comments in the appropriate section;  
or,
- to refuse to accept the appraisal, stating in the appropriate section the reasons for requesting that it be reconsidered.

If the post holder accepts the renewal of contract performance appraisal, it is declared closed. If the post holder fails to react within the time limit applicable he or she shall be deemed to have accepted the appraisal.

9. The post holder's reasoned refusal to accept the appraisal shall automatically mean referral of the matter to the Joint Instance referred to in Article 6.
10. The countersigning officer shall keep the reporting officer duly informed of the various stages in the procedure and the decisions taken.
11. The time limits specified in this Article shall only begin to count after the person concerned has been notified of the decision or, at the latest, when the latter, acting as a diligent official, can be expected to be aware of the decision and the grounds thereof. The time limits shall cease to count down only if the post holder is prevented by a justified absence or the like. If this is the case for a considerable period of time, he or she must lodge an appeal internally by addressing a communication to the Human Resources Unit.

If at any stage of the procedure the reporting officer fails to comply with the time limits applicable, the post holder may refer the matter to the countersigning officer.

12. All appraisals must be declared closed with time enough to inform the staff members concerned about the renewal or not of their contracts.
13. The post holder shall be notified that an appraisal has been declared closed and final pursuant to this Article or Article 6(6).

### *Article 6*

#### *Joint Instance*

1. A joint instance, hereinafter JI, shall be set up in EUROJUST.

Provided the organisation chart of EUROJUST so permits, the JI shall be composed as follows:

- a chairman, with the rank of head of unit/service and appointed by the Administrative Director;

- two members: one staff member from the function group AD, appointed by the Head of Human Resources; and one staff representative appointed by the Staff Committee.
- 2. The JI shall meet by invitation of the chairman. Opinions shall be adopted by a simple majority of the members present, the chairman having right to vote. For the JI opinions to be valid, all members must be present. If after three invitations the JI fails to meet with its three members, the members present shall record its failure to deliver an opinion. Every new meeting after a failure to meet shall be convoked within two working days.
- 3. The JI may not take the place of the reporting officer or the countersigning officer in appraising the post holder's performance. It shall verify that appraisals have been drawn up fairly and objectively, i.e. where possible on a factual basis and in accordance with these general implementing provisions. It shall verify that the procedure laid down in Article 5 has been followed. To this end it shall carry out the necessary consultations and shall have at its disposal any relevant documents.
- 4. The JI shall, when appealed to under Article 5(7), deliver an opinion within ten working days of the referral of the matter.
- 5. If the chairman or a member of the JI has a personal interest in a matter which compromises his or her independence in the handling of that matter he or she must be replaced following the same procedure for his or her appointment. A conflict of interest is deemed to arise in particular where the chairman or member is also the reporting officer, countersigning officer or appeal assessor for the post holder who has appealed to the JI.
- 6. The opinion of the JI shall be transmitted to the post holder, reporting officer, countersigning officer and appeal assessor. The JI's opinion shall, where it has been adopted following a vote, state the majority and minority opinions expressed. If the JI has been unable to deliver an opinion this fact shall be reported to the post holder, reporting officer, countersigning officer and appeal assessor.

The appeal assessor shall, within five working days, confirm the appraisal or amend it. Where the appeal assessor deviates from the recommendations set out in the opinion of the JI, he or she shall justify this decision.

The appraisal shall then be declared final and communicated to the person concerned, the reporting officer, the countersigning officer and the JI.

*Article 7*

*Complaints*

A complaint may not be submitted under Article 90(2) of the Staff Regulations or a matter be referred to the Court of First Instance until an appraisal has been declared closed.

*Article 8*

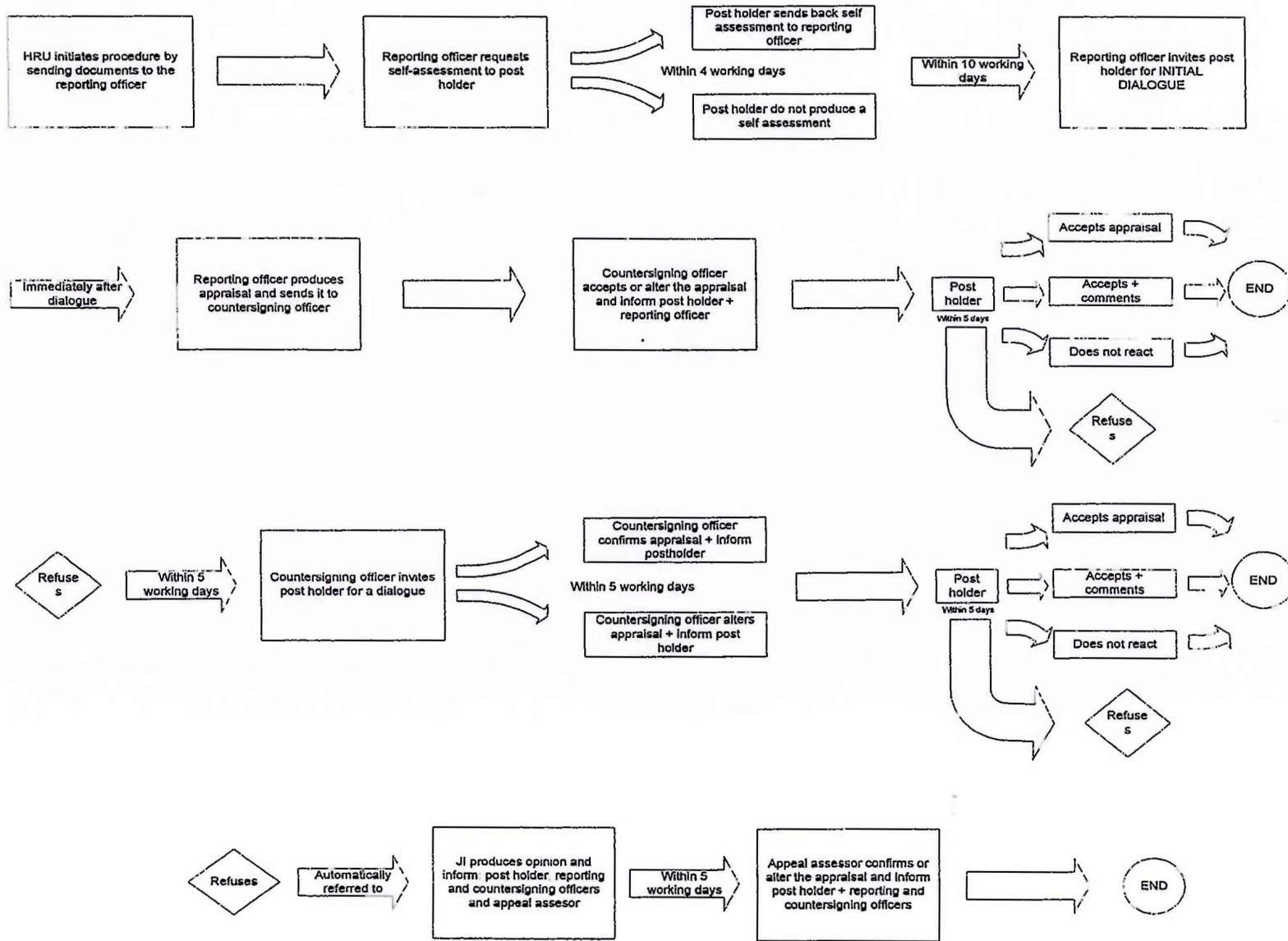
*Final provisions*

These provisions shall apply to the appraisals to be conducted for staff members whose contracts end during the year 2006 and during the first half of 2007 according to the list attached to this decision.

Done at The Hague, on 20 December 2005

  
For EUROJUST  
Ernst Merz  
Administrative Director

# Workflow for end of contract performance appraisal exercise





**ANNEX I**

**LAYOUT OF THE RENEWAL OF CONTRACT PERFORMANCE  
APPRAISAL FORM**

## Renewal of Contract Performance Appraisal Form

Personal Number:	
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### 1. Report Details

#### 1.1. Period of Appraisal

Period of appraisal: from:  to:

#### 1.2. Reporting Officer

Surname, First name:	
Personal number:	
Function:	

#### 1.3. Countersigning Officer

Surname, First name:	
Personal number:	
Function:	

### 2. Personal details of the post holder

#### 2.1. Current details

First name:	<input style="width: 100%; height: 25px;" type="text"/>	Category/Function group:	<input style="width: 100%; height: 25px;" type="text"/>
Surname:	<input style="width: 100%; height: 25px;" type="text"/>		

**2.2. Career History**

Status				
Category/Function group				
Unit/Service				
Period (from/to)				

**2.3. History of Appraisal Results**

Year				
Outcome				

**3. Job Description: Job Profile and Title**

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#### **4. Self Assessment**

To be completed by the post holder within 4 working days of the reporting officer's request

##### **4.1. Work output, job knowledge and quality of work**

List your main achievements and your own evaluation of your work as well as evaluate the knowledge of the work/tasks assigned to you. Lastly, please make an evaluation on the quality of the work performed. If you faced difficulties, describe them and propose changes to improve the situation.

#### **4.2. Contribution to Other Activities**

Describe your contribution to other activities (unit, service) which went beyond your assigned tasks/job description.

#### **4.3. Personal Development**

Describe how you demonstrated the competencies/aspects required. Did you demonstrate any additional competencies?

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**5. Initial Dialogue**

**5.1. Overall evaluation of the Staff Member:** (to be filled in at the beginning of the appraisal by the reporting officer)

<b>Date:</b>	

**6. Appraisal**

To be completed by the reporting officer immediately after the formal dialogue.

**6.1. Analytical Evaluation**

The evaluation may include explanations and illustrative examples and refer exclusively to aspects of the staff member's competencies, work output and attitude that were critical or important in the performance of tasks during the period.

Please note that in view of ensuring that throughout Eurojust and within each category/function group the merits of the post holders concerned have been appraised consistently, a maximum of 3 exceptionally high levels (5) and a maximum of 3 unsatisfactory levels (1) can be included in the analytical evaluation. In these cases a comment/explanation is compulsory. A comment/explanation is compulsory as well when a level to be improved (2) is given.

Competence	5	4	3	2	1	Comments/ explanation
<b>Knowledge and skills</b> Comments should focus on specialized knowledge for the post, technical/IT skills, versatility						
<b>Analysis and interpretation skills</b> Comments should focus on the ability to analyse and interpret information and data						
<b>Personal work management</b> Comments should focus on factors such as judgement, planning, organising and prioritizing, meeting deadlines, and on how well the staff member follows procedures etc.						
<b>Language skills</b> Comments should focus on the reading, writing and oral skills of the post holder and, where applicable, other working languages						
<b>Communication skills</b> Comments should focus on the ability to convey or share information and on presentation skills. Furthermore, on the ability to communicate clearly and concisely, both orally and in writing. Listening skills.						
<b>Interpersonal skills</b> Comments should focus on the post holder's ability to maintain harmonious working relations in an international setting, to function effectively in a team, to handle stress and to exercise tact and discretion						
<b>Managerial/Supervisory skills (only for managerial positions)</b> Comments should focus on skills such as planning and organising, implementing, delegating responsibility, sharing information, motivating and monitoring performance, appraising staff, fostering staff training and development						
<b>Flexibility and adaptability to the needs of the service (only for non-managerial positions)</b> Comments should focus on the flexibility with which tasks are carried out and on how much the post holder is willing to contribute to the development of the institution.						

**NB:** Cross the corresponding box to indicate the level:

- 1 unsatisfactory
- 2 needs to be improved
- 3 satisfactory
- 4 above satisfactory
- 5 outstanding

**6.2. Overall Summary**

Please provide an overall summary of the post holder's appraisal.

[Empty box for providing an overall summary of the post holder's appraisal.]



### 6.3. Additional Duties

Additional duties in the interest of the service carried out during the reporting period.

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## 7. Final Approval

### 7.1. Reporting officer's signature

Date of appraisal dialogue reporting officer/post holder:	
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Signed:	
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Date:	
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### 7.2. Countersigning officer's assessment and signature

Part of the Countersigning officer's role is to ensure reporting standards are maintained and rigorously applied to each renewal of contract performance appraisal (i.e. that the reporting officer has carried out full and objective appraisals and applied assessment criteria in a consistent way for all appraisals).

	YES	NO
Has the renewal of contract performance appraisal been carried out to agreed standards?		
Do you support the comments in the form and the overall assessment?		

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Comments:

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Please forward to the post holder for comments.

Signed:	
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Date:	
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**7.3. Post holder's signature**

THE FOLLOWING SECTION IS AN OPPORTUNITY FOR YOU TO MAKE ANY COMMENTS RELATING TO YOUR APPRAISAL.

If you do not agree with the content of the report or with aspects thereof and do not want to accept the report, use this section to request, within 5 working days, a dialogue with the countersigning officer, or depending on the stage of the procedure, use this section to request the referral to the JI, indicating his/her reasons for such a request.

Comments:

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Please sign and send back to the reporting officer within 5 working days.

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Signed:	
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Date:	
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**8. Further Appraisal**

**8.1. Countersigning officer's further appraisal and signature**

Date of the dialogue between the countersigning officer and the post holder:	
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Comments:

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Signed:	
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Date:	
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**8.2. Post holder's signature**

Comments:

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Signed:	
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Date:	
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**9. Appeal**

**9.1. Opinion of the Joint Instance**

Within 10 working days of the date on which the report was submitted

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**9.2. Decision and signature of the Appeal Assessor**

Within 5 working days of receipt of the opinion of the JI

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Appeal Assessor's decision must be justified if different from JI's opinion

Signed:	
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Date:	
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## ANNEX II

### LIST OF STAFF SUBJECT TO THE PRESENT DECISION

#### CONTRACT RENEWAL OVERVIEW

2006						
NAME	Pers. Nr.	Department/Unit	Function	Starting date	End date	
GALGO A.	253008	EJN	Legal Secretary	01.07.2003	30.06.2006	
BRONDUM WOLLER A.	253010	NM Denmark	Secretary	01.09.2003	31.08.2006	
DE ZUTTER L.	253012	NM Belgium	Secretary	01.09.2003	31.08.2006	
JUANES BURGOS P.	253015	NM Spain	Secretary	01.09.2003	31.08.2006	
JUDITZKI E.	253013	NM Germany	Secretary	01.09.2003	31.08.2006	
O'DOHERTY C.	253016	NM Ireland	Secretary	01.09.2003	31.08.2006	
PIRES FERNANDES E.	253018	NM Portugal	Secretary	01.09.2003	31.08.2006	
SOETENDORP P.	253019	NM Netherlands	Secretary	01.09.2003	31.08.2006	
BONTEMS C.	253017	NM France	Secretary	01.11.2003	31.10.2006	
McALEAR C.	253029	NM UK	Secretary	01.11.2003	31.10.2006	
BERTORA F.	253033	NM Italy	Secretary	01.12.2003	30.11.2006	
BOSCH K.	253011	NM Finland	Secretary	15.07.2003	14.07.2006	
2007						
HORVATITS L.	253032	NM Austria	Secretary	01.06.2004	31.05.2007	
De ROSE L.	253031	NM Luxembourg	Secretary	01.07.2004	30.06.2007	

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