

GENERAL IMPLEMENTING PROVISIONS APPLICABLE TO ARTICLE 43 OF THE STAFF REGULATIONS OF OFFICIALS AND ARTICLES 15(2) AND 87(1) OF THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS (staff reports)

THE SECRETARY-GENERAL OF THE EUROPEAN PARLIAMENT,

Having regard to the Staff Regulations of Officials of the European Union (hereinafter ‘the Staff Regulations’) and to the Conditions of Employment of Other Servants of the European Union (hereinafter ‘the CEOS’), in particular Article 43 of the Staff Regulations and Articles 15(2) and 87(1) of the CEOS,

Having regard to the Bureau decision of 9 December 2013 delegating to the Secretary-General the powers necessary for the adoption of internal rules, rules of application and implementing measures necessitated by the revision of the Staff Regulations and the CEOS,

Having regard to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data,

Having regard to the opinion of 5 September 2014 of the Staff Regulations Committee,

Having consulted the Legal Service, the Data Protection Officer, the Staff Committee and the Committee on Equal Opportunities,

Whereas

the General Implementing Provisions of 6 July 2005 applicable to Article 43 of the Staff Regulations of officials and Articles 15(2) and 87(1) of the Conditions of Employment of Other Servants (staff reports) must be amended to take account, firstly, of the amendments made to the Staff Regulations and, secondly, of the amendments made to the Bureau decision on promotions and career planning policy,

HAS ADOPTED THESE GENERAL IMPLEMENTING PROVISIONS

TITLE I - STAFF REPORTS

Article 1 - Definition and scope

1. The staff reports provided for in Article 43 of the Staff Regulations and Articles 15(2) and 87(1) of the CEOS shall be drawn up each year for the review period referred to in Article 2 in accordance with the timetable laid down in the internal rules governing the application of these General Implementing Provisions (hereinafter ‘GIP’).

2. The following shall be the subject of a staff report:
 - officials,
 - temporary staff and
 - contract staff as referred to in Article 3a of the CEOS who are recruited for a period of one year or more,who were in active service during the review period.

The following shall also be the subject of a staff report:

- officials seconded in the interests of the service, assigned non-active status or on parental leave, family leave or leave for military or national service,
 - other staff on parental leave, family leave or leave for military or national service.
3. Staff reports shall not be drawn up for officials and other staff members who left the service during or at the end of the review period defined in Article 2, pursuant to Article 34 and Articles 47 to 52 of the Staff Regulations and Articles 47 to 50 and Article 119 of the CEOS.

Article 2 - Review period

1. The review period shall be the calendar year to which the staff report refers.
2. Should a staff member be recruited or transferred from another institution during that calendar year, the review period shall start on the date of recruitment or transfer.

Article 3 - Content of the staff report

1. The staff report shall contain three headings, covering the ability, efficiency and conduct in the service of the staff member concerned during the review period.
2. Each section shall contain a maximum of six assessment criteria, two of which, determined by the Secretary-General, shall apply to all staff.

Each functional entity¹ shall adopt for its staff in the same function group and with the same job description at least two common assessment criteria for each heading.

¹Any reference to the functional entity shall be understood to mean the relevant directorate-general or independent administrative unit which is not a directorate-general.

3. If an assessor as referred to in Article 5 is the subject of a staff report under these GIP, that report shall include an appraisal of the assessor's ability to carry out assessments and to comply with the time limits for staff reports.

Article 4 - Principles governing staff reports

1. Each staff report shall be drawn up by two assessors.
2. An exception to that rule shall, however, be made where the first assessor is also the final assessor, which is the case where the first assessor is the President of the European Parliament, the Secretary-General of the European Parliament, the Deputy Secretary-General of the European Parliament, the Head of the Cabinet of the President of the European Parliament, the Chair of the Staff Committee, a Director-General or a Secretary-General of a political group.
3. The first assessor, who draws up the draft staff report, shall invite the staff member to an interview to discuss the draft which he or she has submitted to the staff member in advance.
4. The final assessor shall draw up the staff report on the basis of the draft submitted to him or her by the first assessor. The final assessor shall only be required to invite the staff member to an interview if the staff member has so requested or if the final assessor wishes to amend the draft report submitted by the first assessor in such a way as to make it less positive.
5. The college of assessors for each directorate-general shall be made up of all the assessors in the directorate-general and be chaired by the Director-General.
6. Each Director-General shall supervise the staff reports procedure for all the staff in his or her directorate-general and ensure harmonisation across the directorate-general.

TITLE II - ASSESSORS

Article 5 - Definition

1. The first assessor shall be the staff member's superior one hierarchical level above the staff member, in function group AD and holding at least the post of Head of Unit. The first assessor may, however, delegate the drafting of the staff report under the conditions laid down in the internal rules governing the application of the GIP.

2. Without prejudice to Article 6(1), the final assessor shall, in principle, be the staff member's superior two hierarchical levels above the staff member.
3. However, for imperative service reasons the Director-General² concerned may derogate from the rules set out above, after securing the written agreement of the Secretary-General.

Article 6 - Specific circumstances relating to the assessors

1. Where the staff member's superior changes during the review period, the first assessor shall be the person who was the staff member's superior for the longest time during that period, and the other superior shall be consulted in advance by the first assessor. Where the two superiors held that responsibility for the same length of time during the review period, the staff report shall be drawn up by the person who was the staff member's superior at the end of the period.
2. Should the first assessor be absent for a long period during the staff reports procedure (for three months or more as a result of sick leave, leave on personal grounds or for other reasons), the final assessor shall automatically become the first assessor and his or her first assessor shall become the final assessor.
3. Should the first assessor leave the service or be transferred to another institution during the final quarter of the review period, he or she shall draw up the staff report and pass it on to his or her successor, who shall assume responsibility for continuing the procedure.
4. Should the final assessor be absent for a long period (for example, as a result of sick leave, leave on personal grounds or for other reasons), the final assessor's first assessor shall become the final assessor of the staff member concerned, unless a replacement for the final assessor has been designated.
5. The provisions of paragraph 1 above shall apply by analogy to the final assessor.

Article 7 - List of assessors

1. The relevant department of the directorate-general with responsibility for personnel matters shall draw up a list of assessors by functional entity, in accordance with Articles 4, 5 and 6.

² For the purpose of these GIP, 'Director-General' shall also mean the senior official in an independent administrative unit which is not a directorate-general.

2. The list shall be sent to the Secretary-General for approval and subsequently to the directorates-general for distribution to the staff concerned.

TITLE III - THE STAFF MEMBER

Article 8 - Specific circumstances relating to the staff member

1. The staff report for a staff member who was absent throughout the review period or present for an aggregate period of less than three months shall be drawn up in accordance with Article 2(6) and (7) of the internal rules governing the application of the GIP.
2. If the staff member was on secondment in the interests of the service, pursuant to Article 37(a) of the Staff Regulations, regardless of the duration of that secondment, or was placed at the disposal of another directorate-general or a body outside the institution, the assessors from the staff member's functional entity of origin shall draw up the staff report after consulting the body to which the staff member was on secondment or the directorate-general or outside body at whose disposal the staff member was placed, which shall provide a detailed report setting out the nature of the work performed and, possibly, details of any exceptional duties, an assessment of the staff member's ability, efficiency and conduct, and an overall appraisal.
3. By way of derogation from the above provisions:
 - where a staff member was on secondment to a political group, the first assessor shall be the Secretary-General of the group or the person delegated by the Secretary-General; the final assessor shall be the Director with responsibility for human resources development in the Secretariat of the European Parliament.
 - where a staff member was on secondment to the Cabinet of the President, the first assessor shall be the Head of the Cabinet or the person delegated by the Head of the Cabinet; the Head of the Cabinet shall be the final assessor for all the staff of the Cabinet.
4. Elected Staff Committee members on loan to the Staff Committee on a full-time basis shall be the subject of specific staff reports drawn up under the authority of the Secretary-General.

Elected Staff Committee members on loan to the Staff Committee on a part-time basis shall be the subject of specific staff reports drawn up by the functional entity to which they are assigned. That report shall be added to by the Secretary-General, as regards work in connection with the Staff Committee, following consultation with the Chair of the Staff Committee.

5. The work of elected Staff Committee members not on loan to the Staff Committee and the work of staff members appointed by the Administration or the Staff Committee to bodies provided for in the Staff Regulations shall be duly taken into account in the staff report drawn up by the functional entity to which they are assigned.
6. Where the staff member is transferred from another institution during the review period, the contribution sent by the institution of origin shall be incorporated into, or attached to, the staff report.
7. The staff reports procedure shall be suspended if it is clear from an expert medical opinion that the health of the staff member would prevent him or her from exercising the necessary judgement in the procedure.

The procedure shall be restarted as soon as a further expert medical opinion clearly indicates that the staff member is able to participate fully in it.

8. Given the requirements specific to senior management duties, the rules governing the staff reports of officials performing Director, Director-General or equivalent duties are laid down in separate GIP.

TITLE IV - APPEALS

Article 9 - Possible means of appeal

1. Staff members wishing to challenge the assessments contained in their staff report and/or the procedure by which it was drawn up may lodge an appeal with the Reports Committee prior to submitting a complaint.
2. Staff members wishing to challenge the validity of their staff report on legal grounds may lodge a complaint with the appointing authority under Article 90(2) of the Staff Regulations.

TITLE V - FINAL PROVISIONS

Article 10 - Internal rules governing the application of the GIP

The Secretary-General shall adopt internal rules governing the application of the GIP.

Article 11 - Entry into force

1. These General Implementing Provisions shall enter into force on the first day of the month following the month in which they are adopted. They shall apply in respect of the staff reports for 2014.
2. These provisions shall replace the General Implementing Provisions of 6 July 2005, as last amended on 9 July 2007, which shall remain applicable for the staff reports for 2013.

Done at Luxembourg, on 16 October 2014

Klaus WELLE