

RULES GOVERNING THE 2010 APPRAISAL AND RECLASSIFICATION
EXERCISE

SECTION I: APPRAISAL OF MEMBERS OF THE CONTRACT STAFF UNDER ARTICLE 3A

Point 1: Scope

These rules shall apply to the contract staff referred to in Article 3a of the Conditions of Employment of Other Servants (“contract staff”), referred to below as “jobholders”.

Point 2: Appraisal exercise

For 2008 and 2009, a single report covering the period from 1 January 2008 to 31 December 2009 (hereinafter referred to as “the reporting period”) must be drawn up for each jobholder engaged for a period of not less than one year and who has been in active employment or on parental or family leave for a continuous period of at least one month during the reporting period.

Point 3: Roles and ranks of the various persons involved

1. The reporting officer shall be the jobholder's direct superior and, as a general rule, the jobholder's Head of Unit on the last day of the reporting period.

The Director, Chief Adviser, Adviser hors classe, Deputy Director-General or Director-General¹ shall assume the role of the reporting officer for jobholders of whom they are the direct superior.

2. The countersigning officer shall be a direct superior of the Head of Unit at the moment of his or her first intervention in the appraisal procedure as laid down in point 7.

If the role of reporting officer is performed by the Director, Chief Adviser, Adviser hors classe, or Deputy Director-General, the Director-General shall act as countersigning officer. The Director-General may delegate this role to the Deputy Director-General in the case of reports for which a Director takes on the role of reporting officer. If the Director-General is the reporting officer, he or she shall also be the countersigning officer.

3. The appeal assessor shall be the Director-General carrying out this duty at the moment of his or her first intervention in the appraisal procedure. He may delegate the role of appeal assessor to a member of senior management.
4. In the event of a change in the organisation chart of a service or Directorate-General, the Director-General may derogate from paragraphs 2 and 3 above to take account of the specific context arising from that change.
5. With the agreement of the countersigning officer, the Head of Unit may delegate the role of reporting officer to officials or temporary staff members who manage and supervise the jobholders concerned and whom he or she considers to be able to take on this role in the light of the posts they occupy within the unit and their abilities. In that case, the countersigning officer shall be the Head of Unit or the Director. Heads of Unit may, without relinquishing their role as reporting officer, delegate the work

¹ For the purposes of these rules, "Director-General" shall also cover the position of Director of an office.

preparatory to the appraisal of jobholders in their Unit to the officials or temporary staff referred to in this paragraph.

6. Where a report must be drawn up that relates to a reporting period prior to the one covered by the current exercise, in particular following a Court decision,
 - and the reporting officer, as defined in paragraph 1, has in the meantime left the Commission, the Head of Unit responsible for human resources in the Directorate-General concerned shall act as reporting officer;
 - and the countersigning officer, as defined in paragraph 2, has in the meantime left the Commission, the Director responsible for human resources in the Directorate-General concerned shall act as countersigning officer;
 - and the appeal assessor, as defined in paragraph 3, has in the meantime left the Commission, the Director-General of the Directorate-General for Human Resources shall act as appeal assessor.
7. The reporting officer for jobholders assigned to the External Service, including persons assigned to delegations to international organisations based in the European Union, shall be the direct superior in post on the last day of the reporting period. As a general rule, the reporting officer shall be the jobholder's Head of Section or equivalent. The countersigning officer shall be the Head of Delegation in office at the moment of his or her first intervention in the appraisal procedure as laid down in point 7. For jobholders whose direct superior is the Head of Delegation, the latter shall have the role of reporting officer and countersigning officer. The appeal assessor shall be the Director of the External Service, who may delegate the role if necessary to the Head of Unit of the External Service responsible for human resources.

Point 4: Joint Appraisal and Reclassification Committee

A Joint Appraisal and Reclassification Committee shall be created. If an appeal is lodged with the Committee it shall deliver an opinion on that appeal. The composition and operating procedures of this Committee shall be defined by the rules set out in Annex I to these rules.

Point 5: Basis of appraisal

1. The jobholder's efficiency shall be assessed on the basis of the objectives set according to paragraph 1 of point 29 or when he or she entered into service. The assessment of the jobholder's efficiency shall be based on the extent to which the objectives have been achieved and on the quality of the work carried out, mindful of the conditions in which the jobholder has performed his or her duties.

The objectives shall form an integral part of the report. They shall be defined on the basis of normal working conditions and be consistent with the priorities of the Commission and the objectives of the work programme of the Directorate-General and the Unit, as outlined in the Annual Management Plan.

The extent to which the objectives have been achieved and the quality of the work carried out, as well as the actual conditions in which the jobholder has performed his or her duties, must be assessed in the light of the common standards published by the Directorate-General for Human Resources.

2. The jobholder's ability and conduct in the service must be assessed in relation to the common standards published by the Directorate-General for Human Resources.

Point 6: Synthesis of performance appraisal

1. Each report shall include an individual qualitative appraisal of the jobholder's efficiency, ability and conduct in the service. Based on this qualitative appraisal, the performance of each jobholder over the reporting period is summarised on the basis of one of the following four performance levels:
 - Performance level I: the jobholder's performance exceeded expectations with regard to efficiency, ability and conduct in the service;
 - Performance level II: the jobholder's performance fully met expectations with regard to efficiency, ability and conduct in the service;
 - Performance level III: the jobholder's performance partly met expectations with regard to efficiency, ability and conduct in the service;
 - Performance level IV: the jobholder's performance failed to meet expectations with regard to efficiency, ability and conduct in the service.
2. A report shall indicate the appraisal of the performance over the given reporting period only. A performance level shall not therefore confer any legitimate expectations on the jobholder regarding the performance assessment for the following reporting period.
3. A maximum of 25% of performances shall correspond to performance level I.

The results of the application of this percentage shall be rounded up to the nearest whole number.
4. In each Directorate-General, the maximum percentage indicated in paragraph 3 must be complied with for each grade. If, as a result of the rounding-up rule, this percentage is exceeded at the level of the function group concerned, the maximum number of performances corresponding to the performance level in question must be reduced proportionately.

Point 7: Appraisal procedure

1. The appraisal exercise shall be launched by the Directorate-General for Human Resources by publication of an administrative notice. It shall be administered by means of a secure electronic system.
2. At the start of each appraisal exercise, a general discussion shall be held in each Directorate-General involving members of senior management and the reporting officers and countersigning officers concerned to discuss performances within the Directorate-General, in each grade, over the reporting period.
3. For each jobholder, the appraisal report is launched electronically. Once the report has been launched, a request to produce a self-assessment shall automatically be sent to the jobholder. Within five working days of receiving this request, the jobholder shall submit a self-assessment, which will be entered in the appropriate heading of the report.

If the jobholder does not submit a self-assessment within the time allowed, without having been prevented from doing so by a period of justified absence, the reporting officer may proceed immediately to the formal dialogue as provided for in paragraph 4.

4. The reporting officer shall then hold a formal dialogue with the jobholder.

This dialogue is one of the reporting officer's basic management tasks. In the course of this dialogue, the reporting officer shall, jointly with the jobholder:

- (1) assess the jobholder's performance during the reporting period, taking into account the self-assessment referred to in paragraph 3. The reporting officer shall, jointly with the jobholder, consider the latter's efficiency, the competencies he or she has demonstrated and his or her conduct in the service during the reporting period;
- (2) set objectives for the future. The reporting officer and the jobholder shall agree on objectives to be achieved in the context of the post, together with the criteria on which the results are to be assessed and the conditions in which they are to be achieved.

If the reporting officer and the jobholder cannot agree on the objectives, the final decision shall be taken by the countersigning officer after having heard the jobholder's views.

No report may be finalised without having confirmed objectives for the future unless, as a result of mobility, the reporting officer is no longer the jobholder's direct superior during the following reporting period;

- (3) update the training map drawn up at the end of the reporting period which takes account of the objectives linked to the jobholder's work programme and career development.
5. If the jobholder does not act on the invitation to take part in the formal dialogue, without having been prevented from doing so by a justified absence, the reporting officer may immediately draw up an individual qualitative appraisal as provided for in paragraph 6.
 6. Within 11 working days following the formal dialogue, the reporting officer shall draw up an individual qualitative appraisal of the jobholder's efficiency, ability and conduct in the service. No reference must be made in this context to the jobholder's justified absences. The individual qualitative appraisal shall be transmitted to the countersigning officer.

The countersigning officer shall check that the appraisal standards established in accordance with point 5 have been applied consistently and, after comparing merit, shall confirm, add to or modify the jobholder's individual qualitative appraisal.

This individual qualitative appraisal shall then be communicated to the jobholder who shall have three working days to make any comments to the countersigning officer.

In the light of any comments made by the jobholder, the countersigning officer shall confirm, add to or modify the individual qualitative appraisal.

7. On the basis of the individual qualitative appraisals, the Directorate-General shall identify, in consultation with the countersigning officers, for each grade, the jobholders whose performance over the reporting period corresponds to level I. The countersigning officer shall keep the reporting officer duly informed.
8. The countersigning officer shall then finalise each report and in particular shall determine the performance level that corresponds to the performance of the jobholder.
9. The report shall then be communicated to the jobholder. To this end, all jobholders in a given Directorate-General and function group shall be invited collectively to consult their report electronically.
10. Within six working days from the date on which the jobholder was invited to consult his or her report, he or she shall accept the report without adding comments, accept the report whilst adding comments to the appropriate section, or refuse to accept the report, stating the reasons for refusal.

If the report is accepted it shall become final. A jobholder who does not react within the time limits referred to in the previous paragraph shall be considered to have accepted the report.

Point 8: Appeal procedure

1. After receiving the report the jobholder may request a dialogue with the countersigning officer within four days from the date on which he or she was invited to consult the report. A dialogue must take place if it has been requested. It is for information purposes only and must enable the jobholder to obtain an explanation of the performance level specified in the appraisal report. If the countersigning officer is unable to conduct this dialogue with the jobholder the reporting officer may perform this task. Neither the request by the jobholder for a dialogue nor the dialogue itself shall have the effect of suspending the period referred to in paragraph 10 of point 7 for accepting or refusing the report.

If the jobholder so requests, the reporting officer shall take part in the dialogue. The jobholder may arrange for an official or another staff member within the meaning of the CEOS to assist him or her during the dialogue.

2. The jobholder's reasoned refusal to accept the report referred to in paragraph 10 of point 7 shall automatically result in the matter being referred to the competent Joint Appraisal and Reclassification Committee referred to in point 4. The jobholder may withdraw his or her reasoned refusal to accept the report at any time.
3. The Joint Appraisal and Reclassification Committee shall examine the reasoned refusal to accept the report and issue an opinion on the contested report. The Committee's opinion shall comprise:
 - an operational conclusion recommending either that the report be confirmed or that it (and where appropriate the performance level) be amended;

- a statement of the reasons underlying the operational conclusion;
- the minority opinions expressed, if the opinion was not adopted unanimously.

The Committee shall not take the place of the reporting officer or the countersigning officer as regards appraising the jobholder's performance. It shall verify that reports have been drawn up fairly and objectively, i.e. where possible on a factual basis and in accordance with these rules. It shall verify in particular that the procedure laid down in point 7 has been followed. To this end, the Committee shall carry out the necessary consultations and shall have at its disposal any working documents which may assist it in carrying out its work.

4. The opinion of the Joint Appraisal and Reclassification Committee shall be transmitted to the appeal assessor.
5. The appeal assessor shall confirm or amend the report within five working days. In doing so, he or she shall, in particular, take account of the Joint Appraisal and Reclassification Committee's opinion.

The decision of the appeal assessor may not be based on facts which the jobholder has not previously had an opportunity to comment upon in the course of the appraisal or the appeal procedure, unless he or she is given an opportunity to do so by the appeal assessor.

Where the appeal assessor does not follow the recommendation of the Joint Appraisal and Reclassification Committee he or she shall provide substantive reasons for his or her decision.

Where the appeal assessor decides to amend the report and the amendment affects the performance level, his or her decision does not have to comply with the maximum percentage referred to in paragraph 3 of point 6.

6. The report shall become final by decision of the appeal assessor. The jobholder shall be notified, by e-mail or other means, that the decision rendering the report final has been adopted pursuant to this point or point 7, and that it may be consulted in the electronic system. If the decision rendering the report final was adopted under this point, the jobholder shall at this point also have access to the appeal assessor's decision and the opinion of the Joint Appraisal and Reclassification Committee. Such notification shall constitute communication within the meaning of Article 25 of the Staff Regulations.

Point 9: Specific situations

1. If
 - (a) during the reporting period, the jobholder's engagement ended under the terms of Articles 119 and 47-50 of the CEOS,
 - (b) at the time when the appraisal exercise is launched, a final decision has been taken which will lead to the termination of the jobholder's engagement under the terms of Articles 119 and 47-50 of the CEOS and will take effect in the course of the year following the end of the reporting period,

a report needs to be drawn up only if the jobholder submits an express request to that effect, in writing, to the reporting officer referred to in point 3 within three weeks following the launch of the appraisal exercise.

If, at the time when the appraisal exercise is launched, a decision in relation to subparagraph (b) has been adopted but has not become final, the appraisal procedure shall be suspended for the jobholder concerned. Once this decision becomes final, a report need be drawn up only if the jobholder submits an express request to that effect, in writing, to the reporting officer referred to in point 3 within three weeks following the adoption of the decision. If such a decision is withdrawn or cancelled, the appraisal procedure shall resume for the jobholder concerned.

2. Where a jobholder was unable to carry out his or her duties by reason of illness, accident, parental leave or family leave for at least 8 months during the reporting period, the preceding report shall automatically be carried over, without it being necessary to obtain the consent of the jobholder and to follow the procedure referred to in point 7 (long-term absence carryover). The maximum percentage referred to in paragraph 3 of point 6 shall not apply to such reports.

If the jobholder concerned has never been the subject of a report established according to the procedure referred to in point 7, his or her performance shall be considered to correspond to level II, and he or she shall not be able to obtain an individual qualitative appraisal.

Point 10: Mobility

1. If, during the reporting period but not less than four months after the period covered by the previous report, the jobholder is moved or transferred to another post within the Commission, his or her direct superior who would on that date have been required to act as reporting officer shall write the comments on the jobholder's efficiency, abilities and conduct in the service. He or she shall make no reference to performance level. The comments shall be sent via the electronic system to the jobholder who may make known his or her remarks. These comments shall be taken into account by the reporting officer when drawing up the individual qualitative appraisal.
2. If, during the reporting period but not less than four months after the period covered by the previous report, an official or member of the temporary staff leaves a post by virtue of which he or she would have been required to act as reporting officer for a jobholder, he or she shall write the comments on the jobholder's efficiency, abilities and conduct in the service. The second and third sentences of paragraph 1 shall apply.
3. If, during the reporting period but not less than four months after the end of the period covered by the previous report, the jobholder is transferred to another European Union institution, a report must be drawn up covering the period up to the date on which the transfer takes effect. If the transfer takes place less than four months after the end of the period covered by the previous report, the previous report shall be carried over automatically without it being necessary to obtain the consent of the jobholder and to follow the procedure referred to in point 7. The maximum percentages referred to in paragraph 3 of point 6 shall not apply to such reports that have been carried over.

Point 11: Carryover

1. A report is said to be carried over if it is identical in content to the preceding report.
2. A carryover may be allowed if there has been no significant change in the jobholder's efficiency, ability or conduct in the service and if, according to the preceding report, the jobholder's performance corresponds to level II. A carryover for two consecutive years is not allowed.
3. If the conditions in paragraph 2 are met, the jobholder will be asked to indicate in his or her self-assessment whether he or she would be willing to accept a carryover. Based on the jobholder's self-assessment, and following the dialogue referred to in paragraph 4 of point 7, the reporting officer may recommend a carryover. Paragraph 5 of point 7 shall apply *mutatis mutandis*. The decision to carry over the preceding report shall be taken by the countersigning officer following the consultation referred to in paragraph 7 of point 7.
4. The report shall then be communicated to the jobholder in accordance with paragraph 9 of point 7. From that point it becomes definitive with immediate effect.

Point 12: Probationary staff

1. Probation reports shall be drawn up in accordance with the provisions of Article 84 of the CEOS.
2. Notwithstanding the probation report, the performance of probationary jobholders shall be appraised for the first time following their engagement in application of these provisions, for the reporting period during which the probationary period ends. The report shall then cover the entire reporting period up to 31 December. If the probationary period ends during the year in which the jobholder was engaged, the report shall cover the period between the date of engagement and 31 December.

Point 13: Staff Representatives

1. Where a jobholder, at the end of the reporting period, is exempted, for all of his or her working time, from performing his or her duties in a Commission department in order to take up a position as a member of the Central Staff Committee or to act as Chair of a local section of the Staff Committee, the jobholder's reporting officer shall be the staff member appointed as Chair of the Central Staff Committee. Where a jobholder, at the end of the reporting period, is exempted, for all of his or her working time, from performing his or her duties in a Commission department in order to take up a position as a member of a local section of the Staff Committee, the jobholder's reporting officer shall be the staff member appointed as Chair of the local section.

Where a jobholder, at the end of the reporting period, is exempted, for all of his or her working time, from performing his or her duties in a Commission department in order to take up the position of Chair of the Central Staff Committee, the jobholder's reporting officer shall be staff member appointed at a Plenary Meeting of the Central Staff Committee by secret ballot and acting on the authority of the Central Staff Committee.

When drafting the report, the reporting officer shall take account, where appropriate, of the opinion of the governing body of the representative trade union or professional

organisation (hereinafter referred to as “representative trade union organisation”) to which the jobholder concerned belongs.

2. Where a jobholder, at the end of the reporting period, is exempted, for all of his or her working time, from performing his or her duties in a Commission department in order to take up a position with a representative trade union organisation, the jobholder’s reporting officer shall be the governing body of that organisation.
3. In all the cases referred to in paragraphs 1 and 2, the countersigning officer shall be the Chair of the ad hoc Group for the appraisal and promotion of staff representatives (hereinafter “the ad hoc Group”²) who shall act on the authority of the group. In cases where the Chair of the ad hoc Group is himself/herself a jobholder who has been exempted, for all of his or her working time, from performing his or her duties in a Commission department in order to take up duties as referred to in paragraphs 1 and 2, the countersigning officer shall be a staff member designated at a plenary session of the ad hoc Group by secret ballot and acting on the authority of the ad hoc Group.
4. For the cases referred to in paragraphs 1 and 2, the appeal assessor shall be the ad hoc Group meeting in plenary session, represented by an official or member of the temporary staff designated for the purpose.
5. No jobholder may act as his or her own reporting officer, countersigning officer or appeal assessor. A member of a body which, under the terms of paragraphs 1 to 4, is consulted or called upon to designate a reporting officer or countersigning officer or to act as appeal assessor, may not play any part in the discussions or the vote relating to a report concerning him or her. The duties of reporting officer, countersigning officer, appeal assessor and body to be consulted shall, moreover, be mutually exclusive in respect of a person. Any conflict of interest arising in applying these provisions shall be reported without delay by the jobholder or any other person concerned to the Chair of the ad hoc Group, who shall remedy the situation immediately.
6. A jobholder who, at the end of the reporting period, is exempted, for part of his or her working time, from performing his or her duties in a Commission department in order to carry out one of the activities referred to in paragraphs 1 and 2, shall receive a report covering the activity concerned and a report covering the duties performed in the Commission department to which he or she is assigned. Paragraphs 1 to 5 shall apply to the report covering the activities referred to in paragraphs 1 and 2. Each of these reports shall be taken into account for the application of the maximum percentages referred to in paragraph 3 of point 6.
7. For the purposes of the reports covering the activities referred to in paragraphs 1 and 2, all the jobholders who, at the end of the reporting period, are exempted from performing their duties in a Commission department for all or half of their working time, shall be considered to be a Directorate-General.

² The ad hoc group shall be composed of 16 members, five designated by the Central Staff Committee and 11 designated by the representative trade union organisations. The ad hoc group shall draw up its rules of procedure and a code of conduct for the application of the general provisions for implementing Article 43 and Article 45.

8. The reports relating to jobholders who have been elected or designated shall be drawn up by the reporting officer and the countersigning officer in the department to which the jobholders were assigned in accordance with the procedure laid down in point 7. After having received the jobholder's self-assessment, the reporting officer concerned shall consult the ad hoc Group. The ad hoc Group's opinion shall be taken into account before the report is finalised and shall be attached to the report.

If the jobholder concerned is also exempted, for part of his or her working time, from performing his or her duties in a Commission department in order to carry out one of the activities referred to in paragraphs 1 and 2, the ad hoc Group must be consulted on each of the two reports referred to in paragraph 6.

For the purposes of this paragraph:

- an elected jobholder is a jobholder who, without having been exempted from performing his or her duties in a Commission department in order to carry out one of the activities referred to in paragraphs 1 and 2, has been elected to represent the staff, on an occasional basis, on the Staff Committee, these tasks being considered to form part of the normal service he or she is required to provide to the Commission;
 - a designated jobholder is a jobholder who, without having been exempted from performing his or her duties in a Commission department in order to carry out one of the activities referred to in paragraphs 1 and 2, has been designated by the Staff Committee as a member representing the staff on a body set up by the Staff Regulations or by the institution, or has been designated by a representative trade union or professional organisation to take part in consultations organised by the administration, these tasks being considered to form part of the normal service he or she is required to provide to the Commission.
9. A jobholder who has been elected, designated or exempted from performing his or her duties in a Commission department for part of his or her working time in order to carry out one of the activities referred to in paragraphs 1 and 2, must mention this fact in his or her self-assessment.

Point 14: Time limits

1. The time limits referred to in points 7 and 8 as they concern the jobholder shall be calculated only from the time when the relevant decision has been notified to the person concerned or, at the latest, when the latter, acting as a diligent member of staff, may be expected to be aware of the content of this decision and the reasons for it.
2. These time limits will be suspended, however, if and for as long as the jobholder is unable to use the electronic system because of a justified absence.

Point 15: Evaluation of the appraisal exercise

1. A Joint Monitoring Committee shall be responsible for evaluating the management of the appraisal exercise. To this end, Directorates-General shall make the relevant information available to the committee. On this basis, the committee shall transmit a report to the Directorate-General for Human Resources, the Directorates-General and the Central Staff Committee.

2. The Joint Monitoring Committee shall consist of two members designated by the Director-General for Human Resources from among the members of the Joint Appraisal and Reclassification Committee, and two members designated by the Staff Committee from among the members of the Joint Appraisal and Reclassification Committee. It shall be chaired by a member of the management of the Directorate-General for Human Resources appointed by the Director-General for Human Resources.
3. The monitoring committee shall meet twice, once at the start of the appraisal exercise and once at the end of the reclassification exercise.

**SECTION II: SYSTEM FOR THE RECLASSIFICATION OF CONTRACT STAFF EMPLOYED
UNDER ARTICLE 3A**

Point 16: Reclassification file

1. Each jobholder shall have a reclassification file administered by means of a secure electronic system.
2. The reclassification file shall form an integral part of the jobholder's individual file. Jobholders shall have individual access to their reclassification files by means of a personal secret password. The reclassification file shall include, inter alia, information on the number of reclassification points awarded in the course of the current reclassification exercise and the total number of reclassification points accumulated.

Point 17: Reclassification exercise

1. The reclassification exercise of type 3(a) contract staff of the CEOS shall be organised by the directorate-general in charge of human resources. It shall entail awarding reclassification points and drawing up a list of jobholders who have been reclassified.
2. The reclassification exercise covering the years 2008 and 2009 shall be launched by the Directorate-General for Human Resources by means of an Administrative Notice and shall be administered by a secure electronic system.

Point 18: Allocation of reclassification points

1. Jobholders who, during the reporting period referred to in point 2, namely the two years preceding the reclassification exercise (hereinafter referred to as the "reporting period"), were in active employment or on parental or family leave shall be eligible for the allocation of reclassification points.
2. Subject to paragraphs 3 to 6, reclassification points shall be allocated on the basis of the report drawn up for the reporting period (hereinafter referred to as "the report"), in accordance with the provisions of section I and in particular on the basis of the performance level referred to in point 6 of the said provisions.
3. A jobholder shall be awarded
 - (a) 5 or 6 reclassification points if his or her performance corresponds to performance level I;
 - (b) 3 or 4 reclassification points if his or her performance corresponds to performance level II;
 - (c) 1 or 2 reclassification points if his or her performance corresponds to performance level III;
 - (d) no classification points if his or her performance corresponds to performance level IV.
4. The total number of reclassification points available for each DG for each grade and performance level is as follows:

- for performance level I: 5.5 multiplied by the number of contract staff whose performance corresponds to that level;
- for performance level II: 3.5 multiplied by the number of contract staff whose performance corresponds to that level;
- for performance level III: 1.5 multiplied by the number of contract staff whose performance corresponds to that level.

The results shall be rounded up to the nearest whole number.

5. Each Director-General shall decide, following a consultation with heads of unit, organised in the most appropriate manner, and with Directors and Deputy Directors-General, the criteria according to which the reclassification points shall be allocated within each performance level.
6. In this context account shall, in particular, be taken of
 - (a) the individual qualitative appraisal contained in the report;
 - (b) the use by the jobholder in the performance of his or her duties of languages other than the language for which they have produced evidence of thorough knowledge in accordance with Article 82(3)(e) of the CEOS as attested in the annex to the report;
 - (c) the level of responsibilities exercised during the reporting period preceding the reclassification round, as attested in the annex to the report.
7. At the start of the reclassification exercise, the criteria laid down in accordance with paragraphs 5 and 6 shall be made known to the staff concerned in each Directorate-General and to the Directorate-General for Human Resources, which shall send a copy thereof to the Central Staff Committee.

Point 19: The Directorate-General's formal intentions

1. In each Directorate-General, the Directors and Deputy Directors-General, after consulting the Heads of Unit, on the basis of the criteria referred to in paragraphs 5 and 6 of point 18, shall submit to the Director-General for each performance group, grade by grade, a proposal regarding the formal intentions for the allocation of reclassification points.
2. On the basis of these proposals, the Director-General shall, in the course of the consultation provided for in paragraph 7 of point 7, draw up formal intentions regarding the allocation of reclassification points. In doing so, he or she must take account of the criteria referred to in paragraphs 5 and 6 of point 18.
3. The formal intentions shall then be communicated to the Directorate-General for Human Resources.
4. Every jobholder shall be informed of the formal intentions concerning him when they are communicated the appraisal report in accordance with paragraph 9 of point 7. To this end, each jobholder shall be invited to consult his or her reclassification file.

Point 20: Appeal procedure

1. Jobholders may request a dialogue with the countersigning officer within four working days from the date on which they were invited to consult their reclassification file or, at the very most, from the time at which they could, as diligent members of staff, have known of the proposal concerning them. Once a dialogue has been requested it must take place. It is for information purposes only and must enable the jobholder to obtain an explanation of the reclassification points allocated in the reclassification file. If the countersigning officer is unable to conduct this dialogue with the jobholder the reporting officer may perform this task. Neither the request by the jobholder for a dialogue nor the dialogue itself shall have the effect of suspending the periods referred to in paragraph 2 of this point and paragraph 10 of point 7.

If the jobholder so requests, the reporting officer shall take part in the dialogue. The jobholder may arrange for an official or another staff member within the meaning of the CEOS to assist him or her during the dialogue.

2. Within six working days from the date on which all jobholders were invited to consult their reclassification file or, at the very most, from the time at which they could, as diligent members of staff, have known of the proposal concerning them, the jobholder may lodge an appeal against the formal intentions for the allocation of reclassification points with the Joint Appraisal and Reclassification Committee provided for in point 4. The jobholder may withdraw the appeal at any time.
3. The jobholder concerned shall state the reasons for the appeal and indicate the goal he or she is pursuing with the appeal.
4. Appeals under paragraph 2 shall be submitted using the secure electronic system. Where a jobholder is prevented from using the secure system, he or she may submit an appeal by means of a note addressed to the Head of the Unit in the Directorate-General for Human Relations which provides the secretariat of the Joint Appraisal and Reclassification Committee.
5. After examining each appeal, the Joint Appraisal and Reclassification Committee shall deliver a reasoned opinion, taking into account the criteria referred to in paragraphs 5 and 6 of point 18, either dismissing the appeal or recommending to the authority authorised to conclude contracts of employment that a higher number of reclassification points be allocated within the range of points for the jobholder's performance level defined in paragraph 3 of point 18.
6. If the jobholder has also lodged a reasoned refusal to accept the report drawn up according to the general provisions for implementing section I, the Joint Appraisal and Reclassification Committee shall issue two reasoned opinions on the appeal, one based on the hypothesis that the appeal assessor will amend the report and modify the performance level, and the other based on the hypothesis that the appeal assessor will decide not to change the performance level.

Point 21: Final allocation of reclassification points

Once the Joint Appraisal and Reclassification Committee has completed its work, the authority authorised to conclude contracts of employment shall allocate the final number of reclassification points to each jobholder, regardless of whether or not they have introduced an

appeal. The authority authorised to conclude contracts of employment shall take account of the formal intentions of the Director-General referred to in paragraph 4 of point 19 and of the opinion of the Joint Appraisal and Reclassification Committee referred to in paragraph 5 of point 20 of this section.

Point 22: Reclassification thresholds and reclassification decision

1. Reclassification thresholds are laid down for each grade by the authority authorised to conclude contracts of employment at the end of each reclassification exercise depending on the availability of funds. The threshold corresponds to the total number of points accumulated by the last jobholder for whom a reclassification in the next higher grade is possible.
2. A jobholder may be the subject of a reclassification decision if
 - he or she has accumulated a number of reclassification points which is equal to or above the relevant reclassification threshold,
 - by 31 December of the year of the reclassification exercise, at the latest, he or she has achieved the minimum seniority in the grade required by Article 87(3) of the CEOS,
 - he or she is in active employment or on parental or family leave on the date on which the reclassification decisions are adopted by the authority authorised to conclude contracts of employment, and
 - according to his or her report for the reporting period, his or her performance does not correspond to performance level IV.
3. If the number of jobholders with a number of reclassification points which is equal to or above the relevant reclassification threshold exceeds the number of jobholders who can actually be reclassified as a result of the reclassification exercise in the light of the funds available, the Joint Appraisal and Reclassification Committee shall adopt a substantiated proposal aimed at deciding between the jobholders with a number of accumulated points equal to the threshold (ex aequo jobholders), taking into account factors such as, in particular, seniority in the grade.
4. The authority authorised to conclude contracts of employment shall adopt the list of staff reclassified. The list shall be published for the attention of staff. Each jobholder is invited to consult his or her reclassification file.
5. Reclassification will take effect on 1 January of the year of the reclassification exercise. If the jobholder does not have the seniority in the grade required under Article 87(3) of the CEOS, the reclassification shall take effect on the first day of the month following that in which he or she attains the necessary seniority.

Point 23: Link between the successive reclassification exercises as from the 2010 exercise

1. Reclassification points shall be accumulated over successive reclassification exercises.
2. After reclassification, the number of points corresponding to the reclassification threshold is deducted from the total number of points accumulated. The balance, if any, is carried over to the next reclassification exercise.

Point 24: Average time spent in the grade

The authority authorised to conclude contracts of employment shall take account of the Table in Annex II, which shows for each grade separately the desired average reclassification period. Statistics on the actual reclassification period for each grade shall be provided annually to the Joint Monitoring Committee referred to in point 15. In the event of a significant and sustained discrepancy between the average reclassification period and the actual period for a given grade, the Joint Monitoring Committee may include this point in the report referred to in point 27.

Point 25: Allocation of reclassification points in certain specific situations

1. If the appraisal report covers only part of the reporting period, reclassification points shall be awarded on a pro rata basis taking into account the number of days during which the jobholder was in active employment³ in the reporting period. The results shall be rounded up to the nearest whole number.
2. Probationary staff recruited in the course of year N who obtain a report referred to in paragraph 2 of point 12 only for year N + 1 shall be awarded a number of reclassification points for year N calculated on a pro rata basis taking into account the number of months served in year N and the reclassification points awarded for year N + 1 in accordance with the following formula:

$$\frac{\text{Months worked in year N} \times \text{reclassification points awarded for the year (N+1)}}{12}$$

The result of this calculation shall be rounded up to the nearest whole number.

3. Staff transferred to the Commission from another Community institution or agency shall be awarded reclassification points on a pro rata basis taking into account the number of days during which they were in active employment at the Commission. The results shall be rounded up to the nearest whole number.

In addition, to take account of the merit in the grade accumulated by the jobholder within the Community institution or agency from which he or she came, he or she shall be awarded four extra reclassification points on a flat-rate basis for each reporting period spent in the grade.

Point 26: Disciplinary proceedings

Any decision on the reclassification of a jobholder who is the subject of disciplinary proceedings shall be suspended until the results of those proceedings are known.

Point 27: Monitoring of the reclassification exercise

Each reclassification exercise shall be assessed by the Joint Monitoring Committee referred to in point 15. To this end, the minutes of the Joint Appraisal and Reclassification Committee and the statistics giving a breakdown of the allocation of reclassification points and of reclassified jobholders by seniority in the grade, seniority in the service and place of employment shall accordingly be made available to the Monitoring Committee. After each reclassification exercise, the Committee shall draw up a report which may contain recommendations. This report shall be sent to the Director-General of the Directorate-General for Human Resources, the Directors-General and the Central Staff Committee.

³ NB: jobholders on sick leave are still in active employment.

SECTION III: TRANSITIONAL AND FINAL PROVISIONS

Point 28: Delegation of powers

The Director-General of the Directorate-General for Human Resources may delegate the powers devolved to him or her pursuant to these rules to one or more persons of his or her choice within the Directorate-General for Human Resources.

Point 29: Transitional provisions

1. During the appraisal exercise for performances in 2008 and 2009, the jobholder's efficiency shall be appraised on the basis of the objectives laid down for the reporting period, in accordance with the general provisions for implementing Article 87(1) of the CEOS, adopted by the Commission on 29 July 2008, and communicated to the jobholder.
2. At the start of the 2010 reclassification exercise, the overall assessments contained in the reports drawn up in application of the general implementing provisions adopted by the Commission on 8 August 2007 and 29 July 2008 shall be converted into reclassification points using the method described in Annex III to these rules.

The result of converting the assessments as provided for in the previous subparagraph shall be submitted to the Joint Appraisal and Reclassification Committee, which may make recommendations to the authority authorised to conclude contracts of employment.

3. The 2010 reclassification exercise is exceptionally based on the jobholder's performance in 2008 and 2009, which will be appraised in a single report covering these two years. The reclassification points referred to in point 21 will be multiplied by two in the case of a jobholder who has not been reclassified in 2009 in order to cover these two years; they will then be allocated in proportion to the number of days during which the jobholder was in active employment in 2008 and 2009. The results shall be rounded up to the nearest whole number.

ANNEX I – JOINT APPRAISAL AND RECLASSIFICATION COMMITTEE

Point 1: Composition of the Joint Appraisal and Reclassification Committee

1. The Joint Appraisal and Reclassification Committee shall be chaired by an AD category official or temporary staff member appointed by the Director-General of the Directorate-General for Human Resources. It shall be composed of five officials, temporary staff members or contract staff appointed by the Director-General of the Directorate-General for Human Resources, and five officials, temporary staff members or contract staff designated by the Central Staff Committee. The Chair and full members shall each have at least one alternate.
2. In the absence of the Chair, one of his or her alternates shall preside. Alternate members may take part in meetings even when the full members concerned are present. An alternate member shall automatically be entitled to vote if the full member whom he or she represents is absent.
3. Where, for one of the groups of members designated by the Director-General of the Directorate-General for Human Resources or by the Central Staff Committee, the number of full members present is less than five, a number of alternate members equal to the difference between five and the number of full members present who represent that group shall be entitled to vote.
4. The Joint Appraisal and Reclassification Committee shall be convened by the Chair. The quorum required for meetings of the Joint Appraisal and Reclassification Committee shall be ten full or alternate members, of whom five must have been designated by the Director-General of the Directorate-General for Human Resources and five by the Central Staff Committee. Opinions shall be adopted by simple majority of the members entitled to vote. The Chair shall vote only in the case of a tied vote.
5. It must be established at the beginning of each meeting that the necessary quorum has been reached.
6. The Joint Appraisal and Reclassification Committee shall adopt its own rules of procedure and, if applicable, those of the joint working group referred to in point 2, and shall adopt its working methods and, if applicable, those of the joint working group by a two-thirds majority of the members entitled to vote.

Point 2: Joint working groups

1. One joint working group may be set up to prepare the deliberations of the Joint Appraisal and Reclassification Committee. To this end, the joint working group shall issue a draft opinion to the Joint Appraisal and Reclassification Committee on the appeals lodged.

If necessary, the number of joint working groups may be adjusted by decision of the Joint Appraisal and Reclassification Committee.

2. The Chair of each joint working group shall be designated by the Director-General of the Directorate-General for Human Resources. Each joint working group shall consist of two full members designated by the Director-General of the Directorate-

General for Human Resources and two members designated by the Central Staff Committee. The Chair and full members shall each have at least one alternate.

3. Meetings of each joint working group shall be convened by the Chair. The quorum required for joint working group meetings shall be four full or alternate members, of whom two must have been designated by the Director-General of the Directorate-General for Human Resources and two by the Central Staff Committee. Draft opinions shall be adopted by simple majority of the members entitled to vote. When a draft opinion is adopted following a vote, the minority position shall be recorded in the draft. The Chair shall vote only in the case of a tied vote.

Point 3: Conflicts of interest

1. If the Chair or a member of the Committee or working group has a personal interest in a matter such as to impair his or her independence in the handling of that matter, he or she shall be replaced by the appropriate alternate member and shall refrain from participating in the work of the Joint Appraisal and Reclassification Committee or the working group.
2. A conflict of interest is deemed to arise in particular where, with respect to an appeal to the Joint Appraisal and Reclassification Committee, the Chair or member has been involved in the appraisal or appeal procedure as reporting officer, countersigning officer or appeal assessor for the jobholder who has appealed, or where the jobholder has been in contact with the Chair or one of the members on matters of personnel management during the reporting period.
3. For the purposes of paragraph 5 of point 1, the quorum remains in place when the Chair or a member is asked not take part in the work of the Joint Appraisal and Reclassification Committee or working group because of a conflict of interests.

Point 4: Principle of confidentiality and secretariat

1. The deliberations and documents of the Joint Appraisal and Reclassification Committee and the joint working groups shall be confidential.
2. The unit responsible for the appraisal and reclassification exercise within the Directorate-General for Human Resources shall provide the secretariat of the Joint Appraisal and Reclassification Committee and joint working groups, with the help of the human resources units in the DGs and services.

ANNEX II: AVERAGE DURATION OF RECLASSIFICATION
(AVERAGE TIME IN YEARS SPENT IN THE GRADE BEFORE
RECLASSIFICATION INTO THE NEXT GRADE)

FUNCTION GROUP	GRADES	AVERAGE TIME IN YEARS SPENT IN THE GRADE BEFORE RECLASSIFICATION INTO THE NEXT GRADE
IV	18	-
	17	Between 6 and 10 years
	16	Between 5 et 7 years
	15	Between 4 et 6 years
	14	Between 3 et 5 years
	13	Between 3 et 5 years
III	12	-
	11	Between 6 et 10 years
	10	Between 5 et 7 years
	9	Between 4 et 6 years
	8	Between 3 et 5 years
II	7	-
	6	Between 6 et 10 years
	5	Between 5 et 7 years
	4	Between 3 et 5 years
I	3	-
	2	Between 6 et 10 years
	1	Between 3 et 5 years

**ANNEX III: CONVERSION OF OVERALL ASSESSMENTS AT THE BEGINNING
OF THE 2010 RECLASSIFICATION EXERCISE**

Conversion method

1. At the beginning of the 2010 reclassification exercise, the overall assessments obtained by jobholders under the general provisions for implementing Article 87(3) of the Conditions of Employment of Other Servants of the European Communities adopted by the Commission on 29 July 2008 and 8 August 2007 were converted into reclassification points in accordance with the following table:

2007 exercise	Reclassification points	2008 exercise	Reclassification points
Outstanding	6	Outstanding	6
Very good	5	Very good	5
Good	4	Good	4
Sufficient	2		
Poor	1	Poor	1
Insufficient	0	Insufficient	0

2. Four extra reclassification points shall be awarded to the jobholder on a flat-rate basis for each year of seniority in the grade on 31 December 2006, to take account of the merit in the grade accumulated by him or her for the period covered by a contract staff member contract under Article 3a of the CEOS before 1 January 2007.

The jobholder shall be awarded reclassification points on a pro-rata basis for the number of days covered by a contract staff member contract under Article 3a of the CEOS. The results shall be rounded up to the nearest whole number.

The same applies to the periods after 1 January 2007 not covered by an appraisal report.