

DECISION AB n° 25/2011

ESTABLISHING THE POLICY AND PROCEDURE FOR THE PERFORMANCE APPRAISAL OF STAFF

THE ADMINISTRATIVE BOARD OF THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

HAVING REGARD to Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing a European Agency for the Cooperation of Energy Regulators (hereafter referred to as the "ACER Regulation" and "ACER"), and in particular to Article 28(2) thereof;

HAVING REGARD to the Staff Regulations of officials and the Conditions of Employment of other servants of the European Communities (hereafter "CEOS"), as laid down in Council Regulation (EEC, EURATOM, ECSC) No 259/68 and the amendments thereto, and in particular Articles 43 of the Staff Regulations, and Articles 15(2) and 87(1) of the CEOS;

After consultation of the Staff Committee and in agreement with the European Commission pursuant to Article 28(2) of Regulation (EC) No 713/2009 and Article 110 of the Staff Regulations;

Whereas,

- (1) The appraisal system applicable to the Agency's staff is governed by rules aimed in particular at assessing individual achievements and performance in the light of the results to be attained, competencies and the various aspects of conduct in the service.
- (2) The specific rules which govern the appraisal determine the role of each actor and identify the various stages to be achieved to ensure the transparency of this procedure.



HAS DECIDED AS FOLLOWS:

Chapter I GENERAL PROVISIONS

Article 1 Scope

A periodical report regarding abilities, efficiency and conduct in the service, hereinafter referred to as 'performance appraisal report' (or PAR), shall be drawn up each year for each temporary agent and contract agent who have been on active service or secondment in the interest of the service for a continuous period of at least four months during the reference period, with the exception of the Director who is assessed under different arrangements and is thus not covered by this annual exercise.

The temporary agents and contract agents are hereafter referred to as 'jobholders'.

The purpose of the report is to assess the work that has been carried out and the results obtained by the jobholder over the period in question, and on the basis of this appraisal, to encourage the jobholder to develop his potential and consider his career prospects.

Even if there is already a probationary period report covering all or part of the reference period established for the annual performance appraisal, the concerned jobholders shall undergo an annual periodical appraisal as described in this Decision. The probationary period report does not replace the performance appraisal report.

Performance appraisal reports need not to be drawn up for jobholders who will end their service in the Agency during the six months following the end of the reference period for appraisal as defined in Article 4 hereof.

Article 2

Tasks and responsibilities of the reporting officer and countersigning officer

a) General considerations

The activities, functions and responsibilities of the reporting officer (RO) and countersigning officer (CO) deriving from this Decision shall constitute fundamental duties.

b) The reporting officer (RO)

The reporting officer shall be responsible for conducting the appraisal, organising an interview (formal annual dialogue) with the jobholder and drafting the report.



After the dialogue, which shall be conducted in accordance with Article 9 hereof, the RO shall draw up a draft report. If during the reference period for the appraisal, the jobholder was assigned to another Department, carried out duties in a Department to which he was not formally assigned, was temporarily attached to another Department or sent on secondment in the interest of the service within or outside the Agency, the RO must consult and take into consideration the opinion of the other direct hierarchical superior(s) of the jobholder for the relevant period.

The reporting officer shall be responsible for sending all the reports which he must draft to the Unit of Human Resources (HR) to be included in the personal files, at the latest by the end of the time limit for filing the appeals, as defined in Article 12 hereof.

The reporting officer shall also be responsible for acting on the opinions issued by the Joint Appraisal and Reclassification Committee (JARC) in the event of an appeal.

c) The countersigning officer (CO)

The countersigning officer shall be responsible for ensuring the consistent application of appraisal standards in appraisal reports which he countersigns. He shall ensure harmonization of the standards and methods used to appraise the members of staff under his responsibility.

The countersigning officer shall countersign the report. In the event of disagreement with the reporting officer, the countersigning officer has the ultimate responsibility for the report.

Article 3 Appointment of the reporting officer and countersigning officer

a) Appointment of the reporting officer

As a general rule, the reporting officer is the direct supervisor of the jobholder at the launch of the exercise. The Heads of Departments shall carry out the role of reporting officers for jobholders of whom they are the direct hierarchical superior.

b) Appointment of the countersigning officer

As a general rule, the countersigning officer is the direct hierarchical superior of the reporting officer at the launch of the exercise.

For the appraisal of other jobholders reporting directly to the Head of Department or the Director, the role of the countersigning officer shall be carried out by the Director or, upon request from the jobholder, by the Chairman of the Administrative Board.

In his role as countersigning officer, the Director shall guarantee the consistent application of the appraisal standards laid down by the Agency and ensure the



coordination and harmonization thereof among countersigning officers and reporting officers within their Departments.

c) Special cases

In case there is a need to deviate from the standard allocation of reporting and countersigning officer's responsibilities, the concerned Department shall send to the HR, at the latest by the starting date of the appraisal exercise, an overview indicating how the reporting officer and countersigning officer responsibilities have been allocated within the Department.

Article 4 Reference period for appraisal exercises

The appraisal exercise for which all reports must have been established covers the period from 1st January to 31st December of the previous year.

The drawing up of the appraisal reports and the appraisal procedure shall be covered by the timetable published to this effect by the HR before the starting date of each appraisal exercise.

Article 5 Appraisal Report Form

An appraisal report form, showing the indicative format, graphical layout and general appearance is annexed to this Decision.

Regardless of the form of the appraisal report drawn up, the general assessment must comply with the definition set out in Article 6 hereof and to the model presented in the annexed form¹. The self-assessment for the previous year and the objectives/activities defined for the future period shall constitute annexes to the report.

Chapter II APPRAISAL PROCEDURE

Article 6 Harmonization of Appraisal Standards

The appraisal report shall include an overall assessment relating to the abilities, efficiency, and conduct in the service of the jobholder. This assessment shall compare the level of performance with the level expected for the post, and the results achieved during the appraisal period with the objectives previously established.

¹ Section D (overall assessment)



The countersigning officers or reporting officers shall inform the Director of the Agency in all cases where an appraisal report contains an exceptional positive or negative assessment², before validating the report.

For the drafting of reports, reporting officers and countersigning officers shall rely on the training/information they were provided for this purpose. They shall also comply with the guidelines for performance appraisal as drafted by the HR.

Such guidelines shall be communicated to all staff to ensure that staff is fully informed about the appraisal procedure.

HR shall supervise the appraisal procedure to ensure harmonization when drafting the reports:

- By providing information, recommendations, and advice to reporting officers as and when necessary;
- By ensuring that the appraisal reports are drafted and filed within the time limits of the adopted timetable.

Article 7 Timetable for the appraisal exercise

HR shall publish a timetable showing the stages of the appraisal procedure before the starting date of each appraisal exercise, which is set – as a rule – on 1st January of each year.

In all the stages of the procedure, the deadlines are compulsory, except in the event of manifest *force majeure* or duly justified exceptional instances.

The timetable shall establish the fixed dates which apply to all reporting officers, countersigning officers and the jobholders being appraised. Compliance with the deadlines laid down in this timetable shall be referred to specifically in the appraisal reports of reporting officers and countersigning officers.

Article 8 Self-Assessment

Each jobholder shall draw up a self-assessment with reference to the appraised period, and a proposal for his/her objectives during the next appraisal period. The self-assessment and the proposed objectives shall be sent to the reporting officer prior to the annual dialogue and within 20 working days of the starting date of the appraisal exercise.

The self-assessment shall be attached to the final report. If the jobholder does not send a self-assessment to the reporting officer within the deadline laid down, the reporting officer may decide to hold the dialogue without a self-assessment. If so, the self-assessment shall not be annexed to the final report, and the absence of the self-assessment shall be mentioned in the report.

² The assessment is considered exceptionally positive or negative when the final overall assessment is at the highest or lowest end of the assessment scale.



Article 9 Formal annual dialogue and draft appraisal report

The reporting officer shall invite the jobholder to a formal annual dialogue within 25 working days of receiving the self-assessment of the jobholder or at the latest within 45 working days of the starting date of the appraisal exercise.

At this meeting (formal annual dialogue), the reporting officer shall examine the efficiency, abilities and conduct in the service which the jobholder has demonstrated during the reference appraisal period, in relation to the objectives, activities or projects set for the period, and to the requirements of the relevant post. The RO shall discuss with the jobholder the impact of training on the abilities deployed during the period in question, his/her future needs in terms of training, and possible desired career developments.

During this annual dialogue, the RO shall establish with the jobholder the objectives to be attained and/or the activities and/or projects to be carried out, which shall form the basis for the appraisal of efficiency corresponding to the following appraisal exercise. These shall be referred to in an annex to the report, to be signed by both the RO and the jobholder.

In the event of a disagreement on the content of this annex, the final decision shall be taken by the countersigning officer; the jobholder will have the opportunity to indicate his/her remarks.

As a conclusion of the formal dialogue the RO shall inform the jobholder of the outline of the report and his or her general assessment proposal.

The RO shall draw up the report and send it to the countersigning officer at the latest within 50 working days of the starting date of the appraisal exercise (within 5 days after the annual dialogue).

If the reporting officer does not comply with the deadlines at any stage whatsoever of the procedure, the jobholder shall be authorized to bring the matter before the countersigning officer or Director.

Article 10 Validation of appraisal reports

The countersigning officer shall ensure that all the reports drawn up by the reporting officer are sent to him within 50 working days at the latest of the starting date of the appraisal exercise.

Within a period of 65 working days from the starting date of the appraisal exercise (within 15 working days of receiving the appraisal report), the countersigning officer shall examine the report, ensuring that the established appraisal standards were properly and consistently applied.



If in agreement, the countersigning officer shall countersign the report and sent it to the reporting officer, who shall forward it to the jobholder.

If he does not agree with the reporting officer, the countersigning officer shall invite the reporting officer and, if necessary, the jobholder to a consultation meeting to try and reach an agreement.

Once an agreement has been reached, the countersigning officer shall countersign the report, amended in accordance with the outcome of the meeting, and sent it to the reporting officer, who shall forward it in turn to the jobholder.

If the consultation meeting fails to result in an agreement, the final decision shall rest with the countersigning officer, who shall forward it to the reporting officer and jobholder.

If the appraisal report includes an exceptionally positive or negative assessment, the countersigning officer shall send it to the Director for an opinion. Depending on the opinion of the Director, the Director shall send the report to the countersigning officer and to the reporting officer for final approval or amendment. The reporting officer shall then forward the resulting report to the jobholder.

In specific cases as mentioned in Article 3(b) hereof, Director will act as a countersigning officer or exceptionally Chairman of the Administrative Board.

Article 11 Transmission of the report to the jobholder and signature

Upon receipt of the report, the jobholder shall complete the sections reserved for any comments he/she may have.

If he/she agrees with the content of the report, the jobholder shall sign the report and send it back to his/her reporting officer. The reporting officer shall sign it immediately and forward it to the HR to be filed in the personal file.

If he/she does not agree with the content of the report, the jobholder shall inform the reporting officer and the countersigning officer immediately by e-mail setting out the reasons for his/her request and stating, in the section of the report reserved for comments, his/her wish to discuss the matter with the countersigning officer.

Within 10 working days, the countersigning officer shall organize a dialogue with the jobholder and reporting officer in order to reach an agreement. At the end of the dialogue the report shall be either amended or confirmed. The countersigning officer shall forward the report once again to the jobholder.

With effect from the 75th working day after the starting date of the appraisal exercise, if the jobholder refrains either from signing the report, sending it to the reporting officer, or seeking a dialogue with the countersigning officer, he/she shall be deemed to have accepted the content thereof.



If the countersigning officer does not comply with the deadlines at this stage, the jobholder is authorized to consider the failure to reply as a refusal and, therefore, if appropriate, to file an appeal to the Joint Appraisal and Reclassification Committee.

In all cases the reporting officer shall ask the jobholder to return the report and sent it to the HR.

Article 12 Joint Appraisal and Reclassification Committee

1. A Joint Appraisal and Reclassification Committee, hereinafter referred to as 'JARC', shall be set up in the Agency.

JARC shall be composed as follows:

- a Chair, with the rank of Head of Department and appointed by the Director;
- two members: a member from the HR, hereinafter referred to as an "external member" appointed by the Director; and one staff representative appointed by the Staff Committee.
- 2. The Chair and full members shall each have one alternate. The Chair shall, if absent, be replaced by the external member. Where the number of full members present is less than two, alternate members shall be entitled to vote provided the total number of members (full members and alternates) entitled to vote does not exceed two members appointed by the Director and one member appointed by the Staff Committee.
- 3. JARC shall meet by invitation of the Chair. Opinions shall be adopted by a simple majority of the members present who are entitled to vote. For the Committee's decisions to be valid, the Chair or external member must be present, together with staff committee member or alternates who are entitled to vote. If the number of participants present at a meeting is not sufficient to enable decisions to be taken, the Chair shall immediately convene a new meeting which may be held within two working days. If the third meeting is inquorate the Committee shall record its failure to deliver an opinion.

Rules of procedure shall be adopted by the HR in accordance with the provisions of this Article. The rules of procedure shall apply to every JARC.

- 4. JARC may not take the place of the reporting officer or the countersigning officer as regards appraising the jobholder's performance. It shall verify that reviews have been drawn up fairly and objectively, i.e. where possible on a factual basis and in accordance with these general implementing provisions and the appraisals guide. It shall verify in particular that the procedure laid down in Articles 8, 9, 10 and 11 hereof has been followed. To this end it shall carry out the necessary consultations and shall have at its disposal any working documents which may assist it in carrying out its work.
- 6. If the Chair or a member of JARC 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 refrain from participating in the



work of the Committee. A conflict of interest is deemed to arise in particular where the Chair or member is also the reporting officer, countersigning officer or appeal assessor according to Article 2b or 2c of this decision for the jobholder who has appealed to JARC.

Article 13 Appeals to the Joint Appraisal and Reclassification Committee

In the event of disagreement with the decision of the countersigning officer or reporting officer, the jobholder may bring the matter before the JARC. The jobholder shall file the appeal to the JARC through hierarchical channels and stating in writing the grounds for the appeal.

Appeals shall relate solely to the body of the appraisal report, which excludes the annexes.

Appeals must be submitted to the JARC by the 80th working day after the starting date of the appraisal exercise. All reports which have not been the subject of an appeal within this period shall be considered as final.

The JARC may only be consulted once all methods of conciliation described in particular in Articles 9, 10 and 11 of this Decision have been exhausted.

The JARC shall examine the appeals by the deadline fixed in the published timetable of the appraisal exercise.

Article 14 Complaints

A complaint under Article 90(2) of the Staff Regulations may not be lodged unless internal channels of appeal as provided for in Article 13 hereof have been used.

Article 15 Entry into force

This Decision shall take effect on the day following that of its adoption.

Done at Ljubljana, on 22 September 2011

For the Administrative Board:

Piotr Woźniak

Chairman of the ACER Administrative Board



Jobholder Name, Surname:

Job title:

Function group and grade:
Department:

Reporting Officer Name, Surname:

Annex to the Decision AB n° 25/2011

PERFORMANCE APPRAISAL REPORT

In this grade since:

Section A – Administrative data

Contract type: Temporary Agent/Contract Agent

Reference period covered by the	report (starting – ending dates): 01/01/2011 - 31/12/2011
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Depa Job t	artment: itle:			
Nam	ntersigning Officer e, Surname: urtment: itle:			
Sign	atures and circulatio	n Name	Signature	Date
1	Draft report (transmission to CO)	Reporting Officer		
2	Validation of report (transmission to RO)	Countersigning Officer		
3	Transmission of report to Jobholder	Reporting Officer		
4.a	Agreement with report (transmission to RO)	Jobholder		
4.b	Disagreement with report and request for dialogue with CO	Jobholder		
5	Transmission of (amended) report to CO	Reporting Officer		
6	Transmission of (amended) report to Jobholder	Countersigning Officer		
7	Reception of (amended) report and transmission to RO	Jobholder		
8	Transmission of final report to HR	Reporting Officer		
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Section B - Appraisal of Efficiency, Ability and Conduct

B.1 - EfficiencyReview and appraisal of results achieved in carrying out activities and projects, also with reference to relevant objectives established for the reference period. Appraisal dimensions: working methods, quality of work, productivity, management of resources.

Appraisal dimensions	Significant improvement required	Improvement required	Meets expectations	Exceeds expectations	Outstanding	Not applicable
Achievement of objectives related to efficiency Achieved efficiency-related objectives established for the reference period						
Working methods Organizes work to meet standards or commitments (time, budget, etc.). Adjusts way of working to focus on priorities or new demand. Seeks continuous performance improvement.						
Quality of work Works rigorously and in an orderly manner. Produces accurate, thorough and reliable results. Learns from experience to avoid errors and mistakes.						
Productivity Consistently produces expected results for assigned duties. Effectively manages multiple tasks and responsibilities. Is able to meet agreed objectives or commitments.						
Management of resources (if applicable) Makes effective and efficient use of available human and financial resources. Effectively sets objectives and distributes activities among the team. Accurately monitors and evaluates the progress of work. Drafts appraisal reports in compliance with standards and deadlines.						
Comments on Efficiency Achievement of objectives, activities and projects. Efficiency dimensions as listed ab Further information related to the area of Efficiency, e.g. major strengths and areas	ove. Manaş for improv	gement of vement.	resources	(if applic	able).	



B.2 - AbilityReview and appraisal of skills and competencies demonstrated, also with reference to relevant objectives established for the reference period.

Appraisal dimensions	Significant improvement required	Improvement required	Meets expectations	Exceeds expectations	Outstanding	Not applicable
Achievement of objectives related to ability Achieved ability-related objectives established for the reference period						
Professional knowledge Possesses updated professional knowledge and understands all aspects related to the job. Knows how to search for relevant information, and apply relevant reference material reliably. Demonstrates capacity to learn and to improve professional knowledge. Is familiar with ACER regulations, procedures, and tools.						
IT skills Ability to efficiently apply relevant IT tools on the job.						
Analysis and problem solving Identifies key points and problems. Is able to analyse and identify links between issues. Considers alternative options and their impact on results. Knows when and from whom to seek advice, and when to refer decisions elsewhere.						
General communication skills Adapts methods and styles of communications to different situations and people. Gives information and instructions precisely and clearly.						
Oral communication skills Listens carefully and asks questions to clarify understanding. Demonstrates interpersonal skills, public presentation skills, and/or diplomatic skills.						
Written communication skills Demonstrates drafting skills. Structures and presents information so that key points are easily understood.						
People management and leadership skills (if applicable) Coaches staff, identifies talents, plans and encourages their training and development. Consults and involves staff in decision making, explains decisions. Keeps staff informed and provides feed-back. Recognizes and rewards achievement. Is able to delegate. Resolves conflicts in a constructive manner. Builds and maintains productive and fair working relations with other managers. Contributes to the development of the department / section. Promotes teamwork, creativity, openness to change and improvements among the members of the team.						
Comments on Ability Achievement of objectives related to improvement of skills and competencies. Ability management and leadership skills (if applicable). Further information related to the areas for improvement. Comments on language skills.						
Languages						
Does the jobholder works mainly in his/her native language?		Yes 🗌			No 🗌	



Review and appraisal of professional conduct and behavioural competencies demonstrated, also with reference to relevant objectives established for the reference period.

Appraisal dimensions	Significant improvement required	Improvement required	Meets expectations	Exceeds expectations	Outstanding	Not applicable
Achievement of objectives related to conduct Achieved conduct-related objectives established for the reference period						
Customer service orientation Promotes and demonstrates appropriate service standards. Understands the point of view of internal and external customers. Responds promptly and constructively to enquiries. Promotes a positive image of the Agency and of the Department/Section.						
Working with others Builds and maintains productive working relationships with others. Shares information, knowledge and good practice with others. Develops the team spirit and contributes to creating a positive working environment. Provides and accepts constructive feed-back. Is helpful, approachable and flexible.						
Initiative, creativity and motivation Seeks and accepts responsibility. Makes suggestions for improvement of work. Demonstrates commitment to the job. Demonstrates commitment to own training and development. Is able to perform under pressure and adverse circumstances. Is open to changes required by the organisation.						
Comments on Conduct Achievement of objectives related to improvement of conduct and of behavioural competencies. Conduct dimensions as listed above. Further information related to the area of Conduct, e.g. major strengths and areas for improvement.						



Comments

Section C - Overall assessment

Synthetic	overall	assessm	ent
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Express the synthetic overall assessment of jobholder's performance (efficiency, ability, and conduct in the service) during the reference period, by selecting the box corresponding to one of the pre-defined statements on the scale below.

Note that an assessment at the highest ("outstanding") or at the lowest ("unacceptable") ends of the scale needs to be submitted for validation to the Director.

The Jobholder demonstrates a sustained outstanding

	7	performance in all appraised aspects (efficiency, abilities and conduct in the service).	
	6	The efficiency, the abilities and the aspects of conduct appraised are significantly above the levels required for the post occupied.	
	5	Overall, the efficiency, the abilities and the aspects of conduct appraised are above the levels required for the post occupied.	
ş	4	Overall, the efficiency, the abilities and the aspects of conduct appraised correspond to the level required for the post occupied.	
	3	The efficiency, the abilities and the aspects of conduct appraised are acceptable despite some weak point.	
	2	The efficiency, the abilities and the aspects of conduct appraised do not correspond to the level required for the post occupied. Improvements are needed.	
	1	The efficiency, the abilities and the aspects of conduct appraised are unacceptable in relation to the level required for the post occupied. Mandatory improvements are included in the attached action plan.	
of th	ne I	Reporting Officer	



$\underline{\textbf{Section } \textbf{D} - \textbf{Development and mobility}}$

	Other activities in the interest of the Agency (if applicable) Notes on other activities carried out during the reference period, which are outside to the interest of the Agency e.g. membership in selection committees, membership in the external activities, etc.	'he areas of responsibility of the post, an ne staff committee, fire wardens, relevan	nd in nt
	Review of past training and development actions (if applicable) Which training courses and other development activities carried out by the jobholder impact on professional development or on the level of service?	r during the reference period have had a	an
	Training and development needs (if applicable) Which training opportunities / development actions should be envisaged with reference support further professional development? Indicate priorities.	nce to the post currently occupied, and t	0
	Mobility (if applicable)		
Is the job	sholder interested/suitable for other positions within the Agency?	Yes 🗌	No 🗌
	If yes, indicate desired positions, in which Department, and from when. Add any supplementary comment as appropriate.		
	Section E – Comments on the report		
	Comments of the Countersigning Officer		



Comments of the Jobholder

10	



Annex 1 – Jobholder self-assessment

Review your own performance during the reference period, with particular reference: to the objectives previously established, and to the dimensions of efficiency, ability and conduct as listed in the performance appraisal report. Add any supplementary comment as appropriate.				



Annex 2 - Objectives for the next appraisal period

Indicate objectives for the next appraisal period. Objectives should focus on specific results to be achieved through activities and projects within the areas of responsibility of the Jobholder (corresponding appraisal area: Efficiency). If appropriate, one or two development objectives may also focus on the improvement of skills and competencies, or of behavioural aspects (corresponding appraisal areas: Ability and Conduct in the service)

Objective 1	
Performance Indicators	Challenges and Considerations
Objective 2	
Performance Indicators	Challenges and Considerations
Objective 3	
Performance Indicators	Challenges and Considerations
Objective 4	
Performance Indicators	Challenges and Considerations
Objective 5	
Performance Indicators	Challenges and Considerations
Objective 6	
Performance Indicators	Challenges and Considerations
Date and Signature Jobholder	Date and Signature Reporting Officer