

## DECISION OF THE ADMINISTRATIVE BOARD OF 28 JANUARY 2015

### To give a mandate to the Executive Director to request the Commission's agreement to the non-application of general implementing rules of the Staff Regulations

THE ADMINISTRATIVE BOARD OF THE EUROPEAN MARITIME SAFETY AGENCY,

Having regard to Council Regulation (EC) N° 1406/2002 of 27 June 2002, as amended, establishing the European Maritime Safety Agency, and in particular Article 6 thereof;

Having regard to the Staff Regulations of Officials (Staff Regulations) and Conditions of Employment of Other Servants of the European Union (CEOS), laid down by Council Regulation (EEC, EURATOM, ECSC) N° 259/68, as last amended<sup>1</sup>, and in particular to Article 110(2) of the Staff Regulations and Articles 2(f), 8, 14, 53, 55 and 56 of the CEOS;

Having regard to the decisions of the Commission setting up implementing rules for the application of the revised Staff Regulations of Officials of the European Union and the Conditions of Employment of other servants of the European Union which shall apply by analogy to the agencies and enter into force nine months after their entry into force at the Commission, pursuant to Article 110(2) of the Staff Regulations;

Whereas an Agency may request the agreement of the Commission to the non-application of certain of those implementing rules, after consultation of the Staff Committee, pursuant to Article 110(2) of the Staff Regulations;

Whereas in such as case, the Administrative Board needs to give a mandate to the Executive Director to request the Commission's agreement to the non-application of the implementing rules concerned.

After consultation of the Staff Committee,

HAS DECIDED AS FOLLOWS:

#### Article 1

The Administrative Board hereby gives a mandate to the Executive Director to request the Commission's agreement to the non-application of the general implementing rules of the Staff Regulations, as adopted by the Commission and listed in Annex.

#### Article 2

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

Done at Lisbon by written procedure on 28 January 2015,

A handwritten signature in blue ink, appearing to read 'Frans Van Rompuy', with a stylized flourish at the end.

Frans Van Rompuy  
Chairman of the Administrative Board

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<sup>1</sup> OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15.

## **Annex**

Commission Decision C(2014) 2222 of 07/04/14;

Commission Decision C(2014) 2226 of 07/04/14.



Brussels, 7.4.2014  
C(2014) 2222 final

**COMMISSION DECISION**

**of 7.4.2014**

**amending the Commission Decision of 3 May 2013 laying down general provisions for implementing Article 87(3) of the Conditions of Employment of Other Servants of the European Union**

## COMMISSION DECISION

of 7.4.2014

### **amending the Commission Decision of 3 May 2013 laying down general provisions for implementing Article 87(3) of the Conditions of Employment of Other Servants of the European Union**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union (the 'CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>, and in particular Article 87(3) of the CEOS,

Having regard to the opinion of the Staff Regulations Committee,

After consulting the Staff Committee,

Whereas:

- (1) The reclassification system applicable to contract staff recruited by the Commission under Article 3a of the CEOS is based on consideration of the comparative merits of the contract staff eligible for reclassification, taking account of the reports on the staff, the use of languages in the execution of their duties other than the language for which they have produced evidence of thorough knowledge in accordance with Article 82(3) of the CEOS and the level of responsibilities exercised by them.
- (2) The Commission Decision of 3 May 2013 laying down general provisions for implementing Article 87(3) of the CEOS (C(2013) 2529) should be amended to take account of the amendment applicable from 1 January 2014 of the last sentence of Article 45(1) of the Staff Regulations, which applies by analogy to contract staff under Article 3a of the CEOS by virtue of Article 87(3) of the CEOS and of the adoption of new general provisions for implementing Article 87(1) of the CEOS.

HAS DECIDED AS FOLLOWS:

#### *Article 1*

The Commission Decision of 3 May 2013 laying down general provisions for implementing Article 87(3) of the CEOS is amended as follows.

1. The first sentence of the last indent of Article 3 is replaced by the following:  
'- their appraisal reports have been finalised in application of Article 6(8) or Article 7(4) of the general provisions for implementing Article 87(1) of the CEOS, if a report was required under the terms of Article 2 of those provisions.'
2. Article 4(1)(c) is replaced by the following:  
'(c) the level of responsibilities exercised by them.'
3. Footnote 3 is deleted.

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<sup>1</sup> OJ L 56, 4.3.1968, p. 1.

*Article 2*

This Decision shall take effect on the date of its adoption and apply to reports established as of the 2014 appraisal exercise.

Done at Brussels, 7.4.2014

*For the Commission*  
*Maroš ŠEFČOVIČ*  
*Vice-President*



Brussels, 7.4.2014  
C(2014) 2226 final

**COMMISSION DECISION**

**of 7.4.2014**

**on general provisions for implementing Article 87(1) of the Conditions of Employment  
of Other Servants of the European Union and implementing the first paragraph of  
Article 44 of the Staff Regulations**

## COMMISSION DECISION

of 7.4.2014

### **on general provisions for implementing Article 87(1) of the Conditions of Employment of Other Servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union (the 'CEOS'), as established by Council Regulation (EEC, Erratum, ECSC) No 259/68<sup>1</sup>, and in particular Article 87(1) and Article 92 of the CEOS,

Having regard to the opinion of the Staff Regulations Committee,

After consulting the Staff Committee,

Whereas:

- (1) The appraisal system established by the Commission Decision of 3 May 2013 on general provisions for implementing Article 87(1) of the CEOS [C(2013) 2528] needs to be amended in order to take account of the changes made to the first paragraph of Article 43 of the Staff Regulations, which applies by analogy to contract staff under Article 3a of the CEOS and comes into force on 1 January 2014, particularly as regards the concept of satisfactory performance.
- (2) The appraisal system applicable to Commission staff is intended to provide regular and structured feedback in order to improve performance and contribute to future career development.
- (3) Under the amended Article 43 of the Staff Regulations, the annual report has to contain a statement as to whether the jobholder's performance has been satisfactory. Given the importance of this statement to the jobholder's career and remuneration, a procedural framework should be put in place.
- (4) Under the amended Article 44 of the Staff Regulations, which applies by analogy to contract staff under Article 3a of the CEOS, in accordance with Article 92 of the CEOS, a staff member's advancement in step is subject to their performance having not been deemed unsatisfactory during their last annual report. An annex to this Decision should set out in more detail how to put this rule into practice.
- (5) For the sake of clarity and legal certainty, the Commission Decision of 3 May 2013 on general provisions for implementing Article 87(1) of the Staff Regulations [C(2013) 2528] should be replaced by this Decision,

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<sup>1</sup> OJ L 56, 4.3.1968, p. 1.

HAS DECIDED AS FOLLOWS:

*Article 1 - Scope*

These general provisions shall apply to members of the contract staff employed under Article 3a of the CEOS (hereinafter referred to as ‘staff members’).

*Article 2 – Annual appraisal exercise*

1. Every year, a report covering the period from 1 January to 31 December of the previous year (hereinafter referred to as ‘the reporting period’) must be drawn up for each member of the contract staff engaged for a period of one year or more who has been in active employment for a continuous period of at least one month during the reporting period.
2. Each report shall include an individual qualitative appraisal of the staff member’s efficiency, ability and conduct in the service. It shall cover all the staff member’s professional activities.
3. Each report shall also include a conclusion on whether the staff member’s performance has been satisfactory. The conclusion that the jobholder's performance has been unsatisfactory shall be based on factual elements.

*Article 3 –Respective roles and rank*

1. The reporting officer shall be the staff member's direct superior and, as a general rule, the staff member’s head of unit on 1 December of the reporting period.

The director<sup>2</sup>, principal adviser, adviser hors classes, deputy director-general or director-general<sup>3</sup> shall assume the role of reporting officer for staff members of whom they are the direct superior.

2. The appeal assessor shall be the direct superior of the reporting officer at the time of the superior’s first intervention in the appraisal procedure as laid down in Article 6.

If the director, principal adviser, adviser hors classes, or deputy director-general acts as reporting officer, the director-general shall act as appeal assessor. The Director-General may delegate this role to the Deputy Director-General for reports where a Director acts as reporting officer. If the director-general is the reporting officer, the appeal assessor shall be the director-general of the directorate-general responsible for personnel. If the director-general responsible for personnel is the reporting officer, the appeal assessor shall be the Secretary-General.

A staff member who has provided information under Article 22a(1) and (2) of the Staff Regulations may, at the time of his or her reasoned refusal to accept the report, provided for in Article 7(1), request that the director-general of the directorate-general responsible for personnel or the Secretary-General act as appeal assessor.

3. In exceptional cases, justified by the desire to act in the interests of the staff member or in the event of a change in the organisation chart of a service or directorate-general, the director-general may derogate from paragraphs 1 and 2 above

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<sup>2</sup> For the purposes of this Decision, ‘director’ shall also cover the position of head of department.

<sup>3</sup> For the purposes of this Decision, ‘director-general’ shall also cover the position of director of an office.



to take account of the specific context arising from the circumstances or the change respectively.

4. Subject to the agreement of his or her director-general and after notifying the staff members concerned, the head of unit may delegate the role of reporting officer to officials or temporary staff members who manage and supervise the contract staff members and whom he or she considers capable of taking on this role. In that case, the head of unit shall approve the appraisal report and the head of unit's direct superior shall act as appeal assessor. The head of unit may at any time withdraw the delegation of the role of reporting officer and perform that role himself/herself.

Heads of unit may, without relinquishing their role as reporting officer, delegate the preparatory work for the appraisal of staff members in their unit to an official or member of the temporary staff assigned to the unit whom they consider, in the light of the duties he or she performs within the unit and his/her abilities, to be capable of assuming that role.

5. Where a report needs to be drawn up and the reporting officer and/or appeal assessor, as defined in paragraphs 1 and 2 above, have in the meantime left the Commission definitively, the director-general shall designate the most appropriate reporting officer and/or appeal assessor, taking into account the interests of the staff members concerned, and shall notify the staff members accordingly.
6. In the event of a derogation from the provisions of paragraphs 1 and 2, staff members shall be told the name of the persons who are to act as reporting officer and appeal assessor.

#### *Article 4 – Responsibilities in the case of an assessment of the staff member's performance as unsatisfactory*

1. A report concluding that the staff member's performance has been unsatisfactory needs to be confirmed by a countersigning officer, except where a Director-General acts as reporting officer.
2. The countersigning officer shall be the person who would be the appeal assessor pursuant to the first subparagraph and the first two sentences of the second subparagraph of Article 3(2) or pursuant to the second sentence of the first subparagraph of Article 3(4). Article 3, paragraphs (3), (5) and (6), shall apply *mutatis mutandis*.
3. The appeal assessor shall be the director-general carrying out this duty at the time of his first intervention in the appraisal procedure. In the case of offices, the director of the office shall act as appeal assessor. If the director of the office is the countersigning officer, the appeal assessor shall be the director responsible for offices in the directorate-general responsible for human resources. If the director-general acts as countersigning officer, the appeal assessor shall be the director-general responsible for human resources or, for staff assigned to the directorate-general responsible for human resources, the Secretary-General.

#### *Article 5 – Basis of the appraisal*

The individual qualitative appraisal shall be based on the ability, efficiency and conduct in the service of the staff member, taking account of the context within which they have performed

their duties. The individual qualitative appraisal shall not include a comparison with the performance of other staff members taken individually.

*Article 6 - Appraisal procedure*

1. The appraisal exercise shall be launched by the directorate-general responsible for personnel by publication of an administrative notice. It shall be administered by means of a secure electronic system.
2. For each staff member, the appraisal report is launched electronically. Once the report has been launched, a request to produce a self-assessment is automatically sent to the staff member. Within eight working days of receiving this request, the staff member must submit a self-assessment, which will be entered in the appropriate heading of the report. The purpose of this self-assessment is to prepare for the dialogue provided for in paragraph 3.

If the staff member does not submit a self-assessment within that time, without having been prevented from doing so by a justified absence, the reporting officer may immediately proceed to the formal dialogue provided for in paragraph 3.

3. The reporting officer shall then hold a formal dialogue with the staff member. With the agreement of the staff member, the reporting officer may ask one or more other officials or members of the contract or temporary staff who have supervised the staff member's work to take part in the dialogue. If the reporting officer agrees, the staff member may arrange for an official or another staff member within the meaning of the CEOS to assist him or her during the dialogue.

This dialogue shall constitute one of the reporting officer's basic management duties. In the course of this dialogue, the reporting officer shall, jointly with the staff member:

- (a) assess the staff member's performance during the reporting period. The reporting officer shall, jointly with the staff member, consider the latter's efficiency, the ability he or she has demonstrated and his or her conduct in the service during the reporting period;
  - (b) identify the staff member's training needs.
4. If the staff member 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 5.
  5. Within ten working days of the formal dialogue, the reporting officer shall draw up an individual qualitative appraisal of the staff member's efficiency, ability and conduct in the service. For this purpose, the staff member's justified absences may not be used to his or her disadvantage.
  6. In the cases referred to in Article 4(1) the report shall then be transmitted to the countersigning officer.

The countersigning officer shall verify whether the appraisal procedure has been respected and whether the report has been drafted in a coherent manner, in accordance with these general implementing provisions and consistent with the staff member's performance. He shall confirm, complete or modify the report.

7. In cases other than those referred to in Article 4(1) or after completion of the procedure provided for in paragraph 6, the report shall then be sent to the jobholder.
8. Within five working days of the date on which the staff member is invited to consult his or her report, he or she may accept the report with or without comments or refuse to accept the report, stating the reasons for refusal.

If the staff member does not refuse to accept the report within the deadline mentioned in the paragraph above, the report will be considered to have been accepted and become final.

#### *Article 7 – Appeal procedure*

1. A reasoned refusal by the staff member to accept the report in accordance with Article 6(8) shall automatically lead to the matter being referred to the appeal assessor. The staff member may withdraw his or her reasoned refusal to accept the report at any time.
2. At the request of the staff member, expressed in his or her reasoned refusal to accept the report, the appeal assessor shall hold a dialogue with the staff member within ten working days of the reasoned refusal. The staff member may be assisted during the dialogue by an official or other servant within the meaning of the CEOS, with the exception of the reporting officer. The appeal assessor may ask an official or other servant within the meaning of the CEOS, other than the reporting officer, to be present at the dialogue.
3. Within 20 working days of the reasoned refusal to accept the report and following the dialogue provided for in paragraph 2, the appeal assessor shall confirm the report or amend it, giving reasons.

In the case of a report assessing the staff member's performance as unsatisfactory, the appeal assessor shall consult the directorate-general responsible for human resources before taking his decision; the latter may in turn consult the Reports Committee.

The decision of the appeal assessor may not be based on facts which the staff member has not yet 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 in good time.

4. The report shall become final by decision of the appeal assessor. The staff member shall be notified, by e-mail or other means, that the decision rendering the report final has been adopted, pursuant to this Article or Article 6, and that the report may be consulted in the electronic system. If the decision rendering the report final was adopted under this Article, the staff member shall at this point also have access to the appeal assessor's decision. Such notification constitutes communication within the meaning of Article 25 of the Staff Regulations. The period of three months in which to lodge a complaint, provided for in Article 90(2) of the Staff Regulations, starts to run on communication of the information.

#### *Article 8 - Time limits*

1. The time limits referred to in Articles 6 and 7 as they concern the staff member 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 staff member is unable to use the electronic system, for example because of a justified absence.

*Article 9 - Final provisions*

1. In addition to the general rules laid down above, specific rules governing certain aspects of the appraisal procedure are defined in Annex I. These provisions shall apply by way of derogation from Articles 1 to 8.
2. The consequences for the advancement in step of an appraisal report concluding that the staff member's performance level was unsatisfactory are set out in Annex II.
3. The Commission Decision of 3 May 2013 laying down general provisions for implementing Article 87(1) of the Staff Regulations (C(2013) 2528) is repealed. However, the second sentence of Article 8(1) of those general implementation provisions shall continue to apply for the purposes of deciding upon the reporting officer and countersigning officer for the probationary period provided for in Article 1(a) of Annex V to the general provisions for implementing Article 79(2) of the CEOS.
4. This Decision shall take effect on the date of its adoption and apply to reports established as of the 2014 appraisal exercise.

Done at Brussels, 7.4.2014

*For the Commission*  
*Maroš ŠEFČOVIČ*  
*Vice-President*



Brussels, 7.4.2014  
C(2014) 2226 final

ANNEXES 1 to 2

**ANNEXES**

**to the**

**Commission Decision**

**on general provisions for implementing Article 87(1) of the Conditions of Employment  
of Other Servants of the European Union and implementing the first paragraph of  
Article 44 of the Staff Regulations**

## ANNEXES

to the

### Commission Decision

**on general provisions for implementing Article 87(1) of the Conditions of Employment of Other Servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations**

#### ANNEX I – SPECIAL CASES

##### *1 - Specific situations*

- 1.1. If, at the time when the appraisal exercise is launched, the staff member has left the service in application of Article 119 or Articles 47-50 of the Conditions of Employment of Other Servants (CEOS), it is only necessary to draw up a report if the staff member submits an express request to that effect, in writing, to the appropriate reporting officer or to the human resources unit of his or her last department, in the three weeks following the end of his or her employment at the latest. By derogation from Article 6(1) of these general implementing provisions, such a report may be drawn up on paper.
- 1.2. If, at the time when the appraisal exercise is launched, a decision has been taken leading to the termination of the employment of the staff member in application of Article 119 or Articles 47-50 of the CEOS and taking effect during the year covered by the exercise, the provisions of the preceding paragraph shall apply *mutatis mutandis* on the understanding that the staff member must make his or her request within three weeks following the launch of the exercise. If such a decision is withdrawn or cancelled, the appraisal procedure shall automatically resume for the staff member concerned, even if he or she has not requested that a report be drawn up.
- 1.3. Staff members who, at their own request, have been granted unpaid leave on personal grounds in accordance with Articles 17 and 91 of the CEOS shall receive a report covering the reporting period until the date on which the leave takes effect. Following their reinstatement a report shall be drawn up on such staff members covering the period from reinstatement until the end of the reporting period. If the period covered by these reports is too short for the staff member to be fully appraised during the reporting period concerned, the reporting officer will draft the report but make a note of this specific circumstance.
- 1.4. Where a staff member was unable to carry out his or her duties for an extended period by reason of illness, accident, parental leave or family leave, maternity leave or leave for military service, and as a result the period covered by the report was too short for the staff member to be fully appraised during the reporting period

concerned, the reporting officer will draft the report but make a note of this specific circumstance.

## *2 - Mobility*

If, during the reporting period but not less than four months after the period covered by the previous report or by the previous contribution included in the report,

- i. the staff member is moved to another post within the Commission, his or her direct superior will draft a contribution on the staff member's performance, which will be incorporated in the report;
- ii. an official or member of the temporary staff leaves a post by virtue of which he or she would have been called upon to carry out the duties of reporting officer with respect to a staff member, he or she shall draw up a contribution on the staff member's performance, which will be incorporated in the report.

## *3-Staff representatives*

3.1. Where a staff member, 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:

- i. 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 staff member's reporting officer shall be the official or member of the temporary staff appointed as Chair of the Central Staff Committee;
- ii. in order to take up a position as a member of a local section of the Staff Committee, the staff member's reporting officer shall be the official or member of the temporary staff appointed as Chair of the local section;
- iii. in order to take up the position of Chair of the Central Staff Committee, the staff member's reporting officer shall be an official or member of the temporary staff appointed at a plenary meeting of the Central Staff Committee by secret ballot and acting on the authority of the Central Staff Committee;
- iv. in order to take up a position with a representative trade union or professional organisation (hereinafter referred to as 'representative trade union organisation'), the jobholder's reporting officer shall be an official or member of the temporary staff appointed by the governing body of that organisation.

In cases (i)–(iii), when drafting the report, the reporting officer shall take account, where appropriate, of the opinion of the representative trade union organisation to which the staff member concerned belongs.

In cases (ii) and (iv), the official or member of the temporary staff appointed as Chair of the Central Staff Committee shall act as countersigning officer for unsatisfactory performance.

3.2. A staff member who is exempted only:

- i. for half his or her working time shall receive a report pursuant to point 3.1 and a report covering the duties performed in the Commission department to which he or she is assigned pursuant to Article 6 of these general implementing provisions. If the staff member is elected or designated within the meaning of point 3.5, the ad hoc Group for the appraisal and promotion of staff representatives (hereinafter ‘the ad hoc Group’<sup>1</sup>) must be consulted on each of the two reports;
  - ii. for 25% of his working time, the ad hoc Group shall draw up a contribution to the appraisal report.
- 3.3. In all the cases referred to in point 3.1, the appeal assessor shall be the Chair of the ad hoc Group who shall act under the authority of the group. In cases where the Chair of the ad hoc Group is himself/herself a staff member 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 paragraph 3.1, the appeal assessor shall be an official or member of the temporary staff designated at a plenary session of the ad hoc Group by secret ballot and acting on the authority of the ad hoc Group.

The Chair of the ad hoc Group shall also be the appeal assessor with regard to reports established pursuant to point 3.1 in conjunction with point 3.2(i). The provisions of the preceding subparagraph shall apply.
- 3.4. The rules designed to prevent conflicts of interests in the work of the Joint Reclassification Committee, laid down in the general provisions for implementing Article 87(3) of the Conditions of Employment of Other Servants of the European Union, shall apply by analogy to the bodies, appraisers, validators and appeal evaluators referred to in this article. Any conflict of interest arising in applying these provisions shall be reported without delay by the staff member or any other person concerned to the Chair of the ad hoc Group, who shall remedy the situation immediately.
- 3.5. The reports relating to staff members who have been elected or designated shall be drawn up by the reporting officer in the department to which the staff members were assigned in accordance with the procedure laid down in Article 6 of these general implementing provisions. After having received the staff member’s self-assessment, the reporting officer concerned shall consult the ad hoc Group. The ad hoc Group’s opinion shall constitute a contribution to the appraisal report.

As regards point 3.5:

- an elected staff member is a staff member 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 paragraph 3.1, has been elected to

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<sup>1</sup> The ad hoc group is 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 87(1) and (3) of the CEOS.



represent the staff 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 staff member is a staff member 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 paragraph 3.1, 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.

- 3.6. A staff member who has been elected or designated or exempted from performing his or her duties in a Commission department for half his or her working time or less in order to carry out one of the activities referred to in paragraph 3.1, must mention this fact in his or her self-assessment.
- 3.7. In the cases referred to in 3.2 and 3.5, the assessment of the staff member's performance has to take into account the amount of time the jobholder had to spend on the activities for which he has been exempted, elected or designated.

#### *4–Staff members assigned to a delegation*

- 4.1. Where the operational superior of a staff member assigned to a delegation is a member of the European External Action Service, the superior shall be consulted by the reporting officer before the appraisal is drawn up.
- 4.2. By derogation from point 2(ii) of this annex, if, during the reporting period but not less than four months after the period covered by the previous report or by the previous contribution included in the report, an official or member of the temporary staff assigned to headquarters leaves a post by virtue of which he or she would have been required to act as reporting officer for a staff member assigned to a delegation, he or she shall not draft a contribution on the performance of the staff member within the meaning of point 2 of this annex.

## **ANNEX II - BLOCKING OF ADVANCEMENT IN STEP**

1. In application of Article 92 and Article 20(4) of the Conditions of Employment of Other Servants, and also the first paragraph of Article 44 of the Staff Regulations, a staff member shall not advance to the next step in his grade if the last finalised report concluded that his performance was unsatisfactory.

In the cases referred to in 3.2(i) of Annex I, the consequences mentioned in the preceding subparagraph shall apply if either of the two reports to be established assesses the staff member's performance as unsatisfactory.

2. If the advancement in step is blocked pursuant to point 1, the jobholder shall again become due for an advancement after one year, subject to the provisions of point 1.
3. Four years after his/her entry into the grade or his/her last advancement in step, the staff member shall reach the step regardless of the reports.