



## **Proposed Decision of the Governing Board on the implementation of a probationary period for the new Director of the ETF**

The Governing Board is to adopt a decision on the implementation of the new Staff Regulations and Conditions of Employment of Other Servants of the European Communities (CEOS) whereby the Commission's implementing rules will apply by analogy pending the adoption of specific implementing rules adapted to the particular circumstances of the ETF.

Article 14 of the CEOS provides that a temporary agent may be required to serve a probationary period not exceeding six months. The Commission has adopted implementing rules whereby all senior management staff (Director, Director-General), including temporary agents, will serve a probationary period on recruitment.

By analogy with Commission practice, a probationary period is provided for in the contract of employment of the new Director. It is therefore necessary to decide how this provision will apply in the particular circumstances of the ETF.

The maximum probationary period for temporary agents is six months, which may, in exceptional circumstances, be extended by a further six months. Not less than one month before the expiry of the probationary period, a report must be made on the staff member's ability to perform the duties pertaining to his/her post and his/her conduct and efficiency in the service. The report must be communicated to the person concerned and he/she has the right to comment on it in writing.

On the basis of the report, the authority authorized to conclude contracts of engagement (in this case the Governing Board) may decide to confirm the appointment, to extend the probationary period in exceptional circumstances or to dismiss the staff member if it finds that their work has not proved adequate to justify retention in the post.

The following rules, which the Board is invited to adopt, set out the proposed procedure for implementing the provisions of Article 14 CEOS in the case of the ETF Director.

## **Article 14 of the Conditions of Employment of Other Servants of the European Communities (CEOS): implementing provisions concerning the Director of the European Training Foundation**

Whereas Article 14 of Regulation 1360/90, as amended, provides that: "The staff of the Foundation shall be governed by the rules and regulations applicable to the officials and other servants of the European Communities. The Foundation shall exercise over its staff the powers devolved to the appointing authority. The governing board shall, in agreement with the Commission, adopt the appropriate implementing rules."

Whereas the Conditions of Employment of Other Servants of the European Communities (CEOS) provide in article 14 that "A member of the temporary staff may be required to serve a probationary period not exceeding 6 months";

Whereas the general staff policy of the European Training Foundation is that all temporary agents shall serve a probationary period on recruitment in accordance with Article 14 CEOS.

The Governing Board of the European Training Foundation adopts the following implementing provisions:

1. All persons recruited to the temporary staff of the European Training Foundation shall serve a probationary period in accordance with Article 14 of the CEOS.
2. In the case of the Director, the Governing Board shall act as the authority authorised to conclude contracts of engagement in accordance with the provisions of the said article.
3. The Chairman of the Governing Board shall assess the Director's performance of the duties pertaining to the post and his/her conduct and efficiency in the service following consultation of relevant stakeholders and where necessary with such assistance as he/she may see fit to call upon.
4. One month at the latest before the end of the probationary period, the Chairman shall communicate his/her assessment to the Director, who shall have the right to submit comments in writing to the Chairman.
5. The Chairman shall communicate the assessment together with the Director's comments, if any, to the Governing Board. According to the outcome of the assessment, the Chairman shall propose to the Governing Board the confirmation of the appointment, the extension of the probationary period in exceptional circumstances or, if the Director's work during the probationary period has not proved adequate to justify retention in the post, dismissal.
6. The Governing Board shall decide upon the proposal of the Chairman.
7. Should the Chairman propose the extension of the probationary period or dismissal, the Director shall have the right to be heard by the Governing Board.

Nikolaus G. van der Pas  
Chairman