



On the occasion of the Seventh Assembly of the EULEX Judges,
held in Prishtinë / Priština on 23 September 2009

The Assembly composed of the following Judges: Maria Giuliana Civinini, President of the Assembly of EULEX Judges; Guy Van Craen, Vice-President of the Assembly of EULEX Judges; EULEX Judges: Angela Kaptein; Antoinette Lepeltier-Durel; Arkadiusz Sedek; Christine Lindemann-Proetel; Dragomir Yordanov; Eija-Liisa Helin; Ferdinando Buatier de Mongeot; Francesco Florit; Gerrit-Marc Sprenger; Gianfranco Gallo; Hajnalka Karpati; Harri Katara; Klaus Jung; Piero Leanza; Richard Winkelhofer; Torsten Koschinka; Vitor Pardal; Vladimir Kanev.

Adopts the DECISION

- a) *UNANIMOUSLY*, to amend the EULEX Assembly of Judges rules on the evaluation of judges and legal officers, and;
- b) *With 16 votes in favor, and 4 against*, to approve the rules of internal organization of the evaluation panel.

Maria Giuliana Civinini

President of the Assembly of the EULEX Judges

EULEX Assembly of Judges Rules on the Evaluation of Judges and Legal Officers (ARE)

Article 1

Purpose of Evaluation

Judges and legal officers are evaluated for the purpose of assessing their potential for promotion and appointment to future missions. The evaluation must not affect the judicial independence of the judge under evaluation.

Article 2

Period of Evaluation, Evaluating Body

- (1) Judges and legal officers are evaluated every twelve months counted from the month she/he joined the Mission. In addition, every judge and legal officer is entitled to obtain an extraordinary evaluation on her/his request at any time after completion of a minimum of three months in the Mission area.
- (2) The evaluation report is given either by the Line Manager or by the Evaluation Panel as set up in accordance with Article 3 of these Rules.

Article 3

Evaluation Panel

- (1) The Assembly of EULEX Judges will elect by secret ballot a panel consisting of three judges. The panel must comprise at least one criminal law and one civil law judge. When the evaluation refers to a legal officer, the panel will be composed by two judges and one legal officer. The panel members will serve for a period of twelve months.
- (2) Rules on the election of the panel for the evaluation of judges and legal officers
 - a) A separate vote will be held for the election of each member of the panel and of the substitute.
 - b) The first member to be elected will be a criminal law judge. The second member to be elected will be a civil law judge; the third member to be elected will be a Supreme Court Special Chamber judge. The fourth member to be elected will be a reserve criminal law judge; the fifth member to be elected will be a reserve civil law judge or Supreme Court Special Chamber judge.
 - c) Each member of the Assembly is entitled to express one vote in each round of voting.
 - d) The candidate who receives the most votes is considered to be elected.
 - e) The Assembly of EULEX Judges will elect by secret ballot a representative of the legal officers to judges. The legal officers who are invited to the Assembly, will propose their candidate/s for the panel and as substitute.

(3) The Evaluation Panel acts as an independent evaluating body in accordance with Article 6 of these Rules.

(4) The Evaluation Panel shall draft rules on its internal organization, the procedure to be observed before the panel, the decision-making process and, if needed, other organizational issues within the scope of Article 6 of these Rules. The Rules of the Evaluation Panel have to be adopted by the Assembly of EULEX Judges.

Article 4

Sources of Information, Form of Evaluation

(1) The judge/legal officer shall provide the evaluating body with a description of duties, working conditions and main achievements on the evaluation form specified in paragraph (3) of this article.

(2) The evaluation should be based on a variety of sources of information allowing for an overall performance assessment. The evaluating body shall ask the Focal Point of the judge/legal officer under evaluation and other third parties for written preparatory statements.

(3) The evaluation report is rendered on the evaluation form attached as Annex 1 (Line Manager's report) and 2 (Evaluation Panel's report) to these Rules. All sources of information have to be referred to in the evaluation form. Preparatory statements, data sheet and other information which is or can be made available in writing or as a hard copy have to be attached to the evaluation form.

Article 5

Evaluation by the Line Manager

(1) The Line Manager submits a draft of the evaluation report together with a copy of the attachments as required by Article 4 (3) to the judge/legal officer under evaluation.

(2) In case the judge/legal officer does not agree with the draft, the line manager will discuss the evaluation with her/him. After the discussion the line manager will issue the evaluation report taking the statement of the judge/legal officer into consideration. A copy of the report has to be handed over to the judge/legal officer under evaluation on notification as provided for in part IV of the evaluation form.

Article 6

Evaluation by the Evaluation Panel

- (1) If the judge/legal officer does not agree with an evaluation report issued by the Line Manager in accordance with Article 5 (2) of these Rules she/he can address the Evaluation Panel by submitting a written request within one month after notification of the report as provided for in part IV of the evaluation form.
- (2) The decision of the Evaluation Panel shall be set forth in a written decision to be served on the judge/legal officer under evaluation and on the Line Manager. If the Evaluation Panel holds that either the rating or the comments of the Line Manager's evaluation report should be altered it will issue a new evaluation report. The Evaluation Panel's report replaces the Line Manager's report.

Article 7

Files, Forwarding of Copies to Third Parties

- (1) The original of the evaluation report consisting of the evaluation form and its attachments as set out in Article 4 (3) of these Rules shall be taken to the personal file in the Mission Human Resource Office in accordance with section 9.4 of Annex S to the OPLAN. In case the Line Manager's report is replaced by the Evaluation Panel according to Article 6 (2) of these Rules it is only the Evaluation Panel's report that is taken to the aforesaid personal file.
- (2) In case the Line Manager's report is replaced by the Evaluation Panel according to Article 6 (2) of these Rules, the original of the Line Manager's report and any copy made thereof, save the copy received by the judge/legal officer under evaluation, are taken to the files of the Evaluation Panel. The Evaluation Panel is entitled to forward a copy of its report to the Head of the EULEX Mission and/or the Head of the EULEX Justice Component only.
- (3) In case the Evaluation Panel confirms the Line Manager's evaluation report according to Article 6 (2) of these Rules, the original of the Panel's decision and any copy made thereof, save the copies received by the judge/legal officer under evaluation

and by the Line Manager, are taken to the files of the Evaluation Panel. The Evaluation Panel and/or the Line Manager are entitled to forward a copy of the Panel's confirming decision to the Head of the EULEX Mission and/or the Head of the EULEX Justice Component only.

(4) In case the judge/legal officer under evaluation does not address the Evaluation Panel the Line Manager is entitled to forward a copy of her/his evaluation report to the Head of the EULEX Mission and/or the Head of the EULEX Justice Component only.

(5) The judge/legal officer is to be informed whenever a copy of the evaluation report or the Evaluation Panel's confirming decision is forwarded to a third party.

Article 8

Entry into Force

These Rules will enter into force with the adoption by the Assembly of EULEX Judges. is attached.



**EVALUATION FORM
FOR JUDGES AND LEGAL OFFICERS (EF)
LINE MANAGER**

(Art 3 [4] of the EULEX Assembly of Judges Rules on the Evaluation of Judges and Legal Officers [ARE])

PART I: Staff Member Information

Please return this form to your Line Manager by latest:			
Name:		Component/Dept/Unit	
Title:	ID No.		
Start of Contract Date:		Reporting Period	
End of Contract Date:	From:	To:	

PART II: To be completed by the Staff Member

Description of duties, working conditions and main achievements for the period under review

PART III: Line Manager's evaluation report

Rating Scale for each different item from 4 to 1 as follows:
4. Exceeds Expectations (Competent and performance above reasonable expectations);
3. Fully Satisfactory (Competent and adapt performance that fully meets reasonable expectations);
2. Partly Satisfactory (Performance meets some or even most requirements but is in need of improvement);
1. Unsatisfactory (Performance does not meet reasonable requirements).
N/A: Not Applicable.

Item evaluated	Rating	Comments
1. Quantity of work Capacity and willingness to decide pending cases in due time (judges)/Capacity and willingness to assist judges to decide pending cases in due time (legal officers)		
2. Quality of work Ability to deliver decisions and other documents with a well-structured, stringent and convincing reasoning (judges)/Ability to deliver legal evaluations and draft decisions with a well-structured, stringent and convincing reasoning (legal officers)		

3. Knowledge of the Job Quality and diversity of judicial knowledge; ability to apply this knowledge pragmatically; ability quickly to analyze legal problems and to find a balanced solution		
4. Interpersonal Skills and Teamwork Ability and willingness to work harmoniously with colleagues in a multi-cultural/ethnic environment with sensitivity and respect for diversity; professional approach when dealing with the parties to a litigation		
5. Independence and Flexibility Ability to work autonomously and to take self-determined decisions; ability to adapt to new situations		
6. Working under pressure/hardship Ability to maintain quality of work; ability to perform under pressure		
7. Other Qualities Personal integrity, confidentiality, accountability, commitment, including commitment to continuous learning		
8. Communication Skills Command of English, ability to communicate clearly; ability and willingness to listen to others; ability to persuasive reasoning		
9. Computer Skills Ability to use available IT tools as appropriate		
10. Managerial/Supervisory Skills (if applicable) Ability to set and prioritize goals; ability to take managerial decisions in due time; capacity and willingness to motivate colleagues; ability to build and sustain trustful cooperation		
Additional comments (optional)		

--	--

Sources of information

Attachments

Name and ID No of Line Manager
date

Title/Function

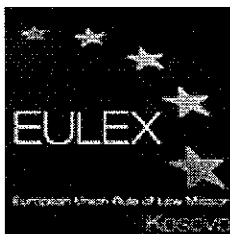
Signature and

PART IV: To be completed by the Staff Member

I have read and received a copy of this report

Signature of Staff Member

Date



**EVALUATION FORM
FOR JUDGES AND LEGAL OFFICERS (EF)
EVALUATION PANEL**

(Art 3 [4] of the EULEX Assembly of Judges Rules on the Evaluation of Judges and Legal Officers [ARE])

PART I: Staff Member Information

Please return this form to the Evaluation Panel by latest:			
Name:		Component/Dept/Unit	
Title:	ID No.		
Start of Contract Date:		Reporting Period	
End of Contract Date:		From:	To:

PART II: To be completed by the Staff Member

Description of duties, working conditions and main achievements for the period under review

PART III: Evaluation Panel's evaluation report

Rating Scale for each different item from 4 to 1 as follows:
4. Exceeds Expectations (Competent and performance above reasonable expectations);
3. Fully Satisfactory (Competent and adapt performance that fully meets reasonable expectations);
2. Partly Satisfactory (Performance meets some or even most requirements but is in need of improvement);
1. Unsatisfactory (Performance does not meet reasonable requirements).
N/A: Not Applicable.

Item evaluated	Rating	Comments
1. Quantity of work Capacity and willingness to decide pending cases in due time (judges)/Capacity and willingness to assist judges to decide pending cases in due time (legal officers)		
2. Quality of work Ability to deliver decisions and other documents with a well-structured, stringent and convincing reasoning (judges)/Ability to deliver legal evaluations and draft decisions with a well-structured, stringent and convincing reasoning (legal officers)		

3. Knowledge of the Job Quality and diversity of judicial knowledge; ability to apply this knowledge pragmatically; ability quickly to analyze legal problems and to find a balanced solution		
4. Interpersonal Skills and Teamwork Ability and willingness to work harmoniously with colleagues in a multi-cultural/ethnic environment with sensitivity and respect for diversity; professional approach when dealing with the parties to a litigation		
5. Independence and Flexibility Ability to work autonomously and to take self-determined decisions; ability to adapt to new situations		
6. Working under pressure/hardship Ability to maintain quality of work; ability to perform under pressure		
7. Other Qualities Personal integrity, confidentiality, accountability, commitment, including commitment to continuous learning		
8. Communication Skills Command of English, ability to communicate clearly; ability and willingness to listen to others; ability to persuasive reasoning		
9. Computer Skills Ability to use available IT tools as appropriate		
10. Managerial/Supervisory Skills (if applicable) Ability to set and prioritize goals; ability to take managerial decisions in due time; capacity and willingness to motivate colleagues; ability to build and sustain trustful cooperation		
Additional comments (optional)		

--	--

Sources of information _____

Attachments _____

Name and ID No of the Members of the Evaluation Panel

Title/Function of the Members of the Evaluation Panel

Signature of the President of the Evaluation Panel and date

PART IV: To be completed by the Staff Member

I have read and received a copy of this report

Signature of Staff Member

Date



RULES OF INTERNAL ORGANIZATION

of the

Evaluation Panel

The Evaluation Panel (hereinafter: the “Panel”)

Pursuant to authority given by Article 3 Paragraph 4 of the EULEX Assembly of Judges Rules on the Evaluation of Judges and Legal Officers (ARE), adopted by the 5th Assembly of EULEX Judges on 22 April 2009, as amended by the 6th Assembly of EULEX Judges on 17 June 2009, and as by the 7th Assembly of EULEX Judges on 23 September 2009

Establishes the following Rules of Internal Organization (hereinafter: the “Rules”):

Article 1

- 1) In case of evaluating a judge the panel shall be composed of three (3) Judges, as stipulated in Article 3 Paragraph 1 of the ARE.

- 2) In case of evaluating a Legal Officer the panel shall be composed of two (2) Judges and one (1) Legal Officer, as stipulated in Article 3 Paragraph 1 of the ARE. In this case one Civil Judge and one Criminal Judge shall be members of the panel. The Civil Judge and the Supreme Court Special Chamber Judge shall participate on a rotating basis, beginning with the Supreme Court Special

Chamber Judge.

Article 2

- 1) The members of the Panel will fulfil their tasks in an objective and impartial manner with full respect for European Best Practices, and will keep confidential any and all information submitted to them in their capacity as members of the Panel.
- 2) One of the Judges of the Panel shall be the elected chairman of the Panel. He or she shall be determined by the members of the Panel.

Article 3

- 1) Unless otherwise provided for in these Rules and the ARE the Panel shall have full discretion to determine the appropriate procedural steps individually in each case based upon the needs of the case and taking into account European Best Practices.
- 2) The Panel shall have full discretion to ask the parties for additional information and/or to hear the parties orally. The parties can request to present their arguments orally.
- 3) The Panel shall have full discretion to obtain additional information through other sources such as documents or statements of other EULEX staff members.
- 4) Proceedings before the panel are, as a general rule, not public. The Panel, upon request of the parties or *ex officio*, can decide to open the proceedings for the

public.

- 5) The panel shall make all decisions after deliberating and voting by simple majority. Decisions have to be signed by all members of the Panel issuing the decision.

Article 4

These Rules of Internal Organisation enter into force with their adoption by the Assembly of EULEX Judges.