

**HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW**

**STAFF RULES APPLICABLE TO OFFICIALS AND  
PERSONNEL OF THE ORGANISATION**

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## INTRODUCTION

The Hague Conference on Private International Law (HCCH) is an Intergovernmental Organisation. Its purpose is to work for the progressive unification of the rules of private international law (Art. 1 of the Statute). In relation to various administrative matters (incl. remuneration and pensions), the HCCH is affiliated to the enlarged Co-ordinated Organisations. In 1963, the Member States of the HCCH decided to follow the Staff Regulations of the Organisation for Economic Co-operation and Development (OECD). Based on this decision, the Secretary General of the HCCH decided in 1979 to adopt the Staff Regulations of the OECD *“sous réserve des adaptations nécessaires”* to account for the differences between the OECD and the HCCH. These Staff Regulations however were never comprehensively transposed and expressly adapted to properly account for the differences between the OECD and the HCCH; also, amendments made to the OECD Staff Regulations were not systematically reviewed for their relevance to the HCCH. This led to increased uncertainties and challenges, and eventually to a finding that the HCCH lacked a comprehensive, transparent regime adapted to the reality of the Organisation and its Permanent Bureau (*i.e.*, the Secretariat of the HCCH).

In 2015, following discussions with Members at both the Council on General Affairs and Policy and the Council of Diplomatic Representatives, the Permanent Bureau undertook a full and systematic review of the Staff Regulations and started to develop Staff Rules that (while based on or inspired by the OECD regime) would be fully adapted to the reality of the HCCH and its Permanent Bureau. This process was conducted in close co-operation between the Member States and the Permanent Bureau, and eventually led to the present Staff Rules. They define the fundamental conditions of service, and the status, rights, duties and responsibilities, of *Officials* and *Personnel* of the Organisation. They were developed cognisant of the importance of, and the need to ensure, the clear, certain, fair and transparent application of Staff Rules to all members of the Permanent Bureau.

### *Entry into force*

The Staff Rules were submitted to Member States for approval on 22 December 2016. Following approval the Member States, the Staff Rules entered into force on 1 January 2018.

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## CHAPTER I — GENERAL PROVISIONS OF THE STAFF RULES

### **Article 1**

#### **GENERAL PROVISIONS**

1. The powers vested in the Secretary General by the provisions of the Statute of the Hague Conference on Private International Law, and by the provisions of the Staff Rules, may be exercised by an official designated by the Secretary General.
2. Unless the Council on General Affairs and Policy decides otherwise, the officials appointed under Chapter II of these Rules, and the staff members engaged under Chapter III of these Rules, shall bear at least one nationality of a Member State.
3. The Staff Rules must be approved by the Member States in accordance with the Regulations on Financial Matters and Budgetary Practices.
4. Any amendments to the Staff Rules, including Articles, Instructions, and Annexes, must be made in accordance with Article 64. If such amendments give rise to financial obligations, they shall be approved by the Council of Diplomatic Representatives in accordance with the Regulations on Financial Matters and Budgetary Practices.

#### **Instructions**

##### **General definitions**

**1.1** For the purposes of the Staff Rules, the following definitions apply:

- administrative act: any individual or general decision, or act, or any omission to decide or act, by the Secretary General or any official deciding or acting, or failing to decide or act, by delegation from the Secretary General;
- alternative official: an official appointed by the Secretary General to fulfil a specific function, whether *ad hoc* or permanently with respect to a category of circumstances, including, for example, to avoid any conflict of interest;
- appointment: decision by which a person is appointed as an official;
- assignment: decision by which an official is assigned to functions;
- close family member: the spouse or partner of the official and any person having the following kinship with the official or his spouse or partner: ascendant, descendant, brother, sister, uncle, aunt, first cousin, nephew, niece and in-law;
- objected conduct: an official's conduct which may constitute misconduct or serious misconduct for the purpose of Article 42 of the Staff Rules;
- promotion: decision by which an official is promoted to a higher grade or category, pursuant to a selection procedure or by direct reassignment;
- reassignment: decision by which an official is assigned to new functions;
- salary: remuneration paid by the Organisation to officials and personnel in return for the performance of their duties;

- gross salary: salary before the deduction of mandatory contributions payable by officials and personnel;
- net salary: salary after the deduction of mandatory contributions payable by officials and personnel;
- selection: decision by which a person is chosen to fulfil functions within the Organisation.

## **General Instructions**

- 1.2** The officials designated by the Secretary General under Article 1 are deemed to act on behalf of the Secretary General.
- 1.3** In these Rules, and unless provided otherwise, words importing a gender include every other gender.
- 1.4** Unless provided otherwise, the Head of Human Resources shall be responsible for implementing these Articles and Instructions. Any requests or complaints concerning the application or interpretation of the Staff Rules must be addressed to him.

## **CHAPTER II — RULES RELATING TO OFFICIALS OF THE ORGANISATION**

### **TITLE I: SCOPE OF APPLICATION**

#### **Article 2 SCOPE OF APPLICATION**

- 1.** The Rules relating to officials of the Organisation (Officials' Rules) shall apply to all persons employed by the Organisation whose letter of appointment states that they are officials of the Organisation.
- 2.** The Officials' Rules shall not apply to other categories of staff employed by the Organisation, unless expressly provided otherwise, and except to the extent determined by the Secretary General from time to time.

## **Instructions**

- 2.1** Both internationally recruited and locally recruited officials may be considered as "officials", although their respective immunities may differ.
- 2.2** Secretaries are officials and are subject to the Staff Rules of the Organisation except where otherwise specified.

**TITLE II:**  
**BASIC PRINCIPLES, RIGHTS AND DUTIES**

**Article 3**  
**INDEPENDENCE AND INTERNATIONAL CHARACTER**

1. The duties of officials of the Organisation are international in character. Officials are subject to the authority of the Secretary General, and are responsible to him for the discharge of their duties.
2. Officials shall carry out their duties and conduct themselves always bearing in mind the interests of the Organisation and the international character of their duties.
3. Officials shall adhere to the Core Values of the Organisation.
4. Officials shall neither seek, nor accept, instructions from any Member of the Organisation or any source external to the Organisation. Unless authorised by the Secretary General, they shall neither seek, nor accept, any:
  - a. gratuity or benefit in connection with their official duties or by reason of their status as an official of the Organisation; or
  - b. honorary distinction; or
  - c. remuneration.

**Instructions**

**Acceptance of remuneration and other benefits from external sources**

- 3.1 Officials must notify the Head of Human Resources as soon as possible regarding remuneration and other benefits from external sources, including retirement pay or pensions.
- 3.2 By way of decision, the Secretary General may authorise officials to receive:
  - a. honoraria for public appearances or publications; however, such payments are to be turned over to the Organisation or, in exceptional cases, they may also be donated to a recognised charity;
  - b. normal and customary hospitality and protocol gifts; and
  - c. honorary distinctions awarded for work accomplished before the official's appointment or for work unconnected with official duties, provided the Head of Human Resources was notified and did not raise any objection within 15 days from the date of the notification.
- 3.3 If refusal of an unanticipated honour, decoration, favour or gift from a government would cause embarrassment to the Organisation, the official may receive it on behalf of the Organisation and then report and entrust it to the Secretary General, who will either retain it for the Organisation or arrange for its disposal for the benefit of the Organisation or for a charitable purpose.
- 3.4 Officials shall report to the Head of Human Resources any protocol gift of over € 100 in value. When in doubt as to whether or not a gift exceeds € 100 in value, the official shall also report it to the Head of Human Resources.



- 3.5** A gift which the Head of Human Resources determines is not normal and customary shall be the property of the Organisation. The official concerned may be permitted to purchase the gift for its full value.
- 3.6** When an official is assigned to participate as a speaker, or to participate in another way on behalf of the Organisation, at a conference or other widely attended event, the official's acceptance of an offer of free attendance at the event on the day of his presentation is permissible. The official's participation in the event is viewed as a customary and necessary part of his performance of the assignment and not as a gift. When an official is participating in a conference, he may accept an unsolicited gift of free attendance at all of appropriate parts of a widely attended gathering if the gift of free attendance has a market value of € 250 or less. The determination of Organisation interest shall be made in writing by the supervisor.

### **Settlement of individual disputes**

- 3.7** Any dispute relating to the acceptance of remuneration and other benefits from external sources shall be settled using the dispute resolution mechanism provided for in the Staff Rules, having particular regard to the independence and international character of the Organisation and of the officials' duties.

## **Article 4**

### **INTEGRITY AND LOYALTY**

#### **1. Officials shall:**

- a.** carry out their duties in accordance with the highest standards of integrity and loyalty;
- b.** conduct themselves with objectivity and impartiality and avoid any conflict of interest, or appearance of conflict of interest, in the performance of their duties;
- c.** carefully manage the resources of the Organisation for which they are responsible;
- d.** not use the Organisation's resources for their own personal benefit or for the benefit of third parties;
- e.** report any fraud, corruption or misuse of the Organisation's resources;
- f.** not use their position within the Organisation, its name or logo or any information acquired in the course of their official duties to obtain undue benefits for themselves or third parties or for any other inappropriate purpose.

- 2.** Officials shall not be subject to any form of retaliation or prejudice as a result of disclosure in accordance with Article 4(1)(e).

### **Instructions**

#### **Personal use of the Organisation's resources**

- 4.1** The Organisation's equipment, supplies and systems are furnished for performance of their official functions. Nevertheless, officials may, if the need arises, make an occasional telephone call, e-mail communication, or visit to an Internet site for personal reasons while at the office. Officials are expected to use common sense and judgement in doing so, to pay for long-distance or other toll communications, and to comply with any Instructions or guidelines which the Permanent Bureau may issue in this respect.

## **Avoiding conflicts of interest**

- 4.2** Officials are to disqualify themselves from advising or acting in the course of their duties with respect to a matter in which they or someone with whom they have a close relationship has a special personal interest. This includes, for example, procurement of goods or services from an enterprise in which they have a financial interest (other than a small investment in shares or securities of a widely held company); or the recruitment, performance evaluation, or promotion of family members. In exceptional circumstances, the Secretary General may waive this requirement where it is in the interests of the Organisation and where, in the case of the purchase of goods and services, the order has been subject to competitive tendering.
- 4.3** An official shall refrain from playing an active or prominent role in a non-governmental organisation which may seek to influence public policy debates within the Organisation. Similarly, an official shall refrain from playing a prominent role in partisan politics in a Member country which may impair his working relationship with representatives of the country concerned.

## **Reporting of misconduct**

- 4.4** In the event an official becomes aware of fraud, corruption, misuse of the Organisation's resources or any other type of misconduct, the official must bring it to the attention of the Secretary General.
- 4.5** If an official considers that an allegation of fraud, corruption or misuse of the Organisation's resources, or of any other type of misconduct, that he brought to the attention of the Organisation in accordance with Instruction 4.4 has not been properly addressed, the official must bring it to the attention of the External Auditor and may bring it to the attention of the Council on General Affairs and Policy.
- 4.6** Officials shall not make frivolous or malicious allegations of fraud, corruption or misuse. Doing so constitutes serious misconduct for the purposes of Article 42.

## **Article 5**

### **TACT AND DISCRETION**

Officials shall:

- a.** carry out their official duties and conduct themselves with the tact and discretion that the international character of their duties and the interests of the Organisation require;
- b.** refrain from any act which may harm the reputation of the Organisation or its officials;
- c.** refrain from seeking or holding public office, unless authorised by the Secretary General;
- d.** refrain from publicly doing, stating or publishing anything incompatible with their duties or obligations or liable to involve the responsibility of the Organisation;
- e.** make public statements concerning the Organisation or its activities only with permission from the Organisation;
- f.** protect the confidentiality of sensitive, unpublished information that has come to their attention in the course of their official duties;
- g.** continue to be bound by the obligation referred to in paragraph (f) above after leaving the Organisation.

## **Article 6**

### **BASIC INDIVIDUAL RIGHTS AND RIGHT OF ASSOCIATION**

1. Officials shall not be subject to any discrimination on the grounds of racial, ethnic or social origin, nationality, age, opinions or beliefs, gender, sexual orientation, health or disabilities.
2. Officials are entitled to be treated with courtesy, dignity and respect.
3. Officials are entitled to respect for their privacy. This respect for privacy does not preclude the Organisation from acting with regard to an official whose conduct or activities outside the Organisation impairs his ability to perform those functions satisfactorily, or which is incompatible with the status of an international civil servant. This includes conduct which could damage the Organisation's reputation or be perceived as an abuse of the privileges and immunities of the Organisation and its staff.
4. Officials having access to confidential personal information concerning other officials may utilise it only for duly authorised official purposes and must handle it with care.
5. The official's electronic accounts are intended for the performance of official duties and not for storage of (confidential) personal information. The Organisation may access the content of such accounts with the consent of the account holder or with the authorisation of or in accordance with guidelines established by the Permanent Bureau.
6. Professionally, officials have the right to express dissenting opinions in an appropriate fashion within the Organisation.
7. Officials are entitled to exercise their right of association.
8. All officials shall respect these rights in the course of their official duties and in their behaviour with other officials.

#### **Instructions**

##### **Privacy**

- 6.1 Article 6(3) to (5) shall come into force on the date of the publication of the Annex on Principles governing computerised processing of Staff Data of the Staff Rules.

#### **Discrimination and contravention of basic individual rights**

- 6.2 Discrimination under Article 6(1) constitutes serious misconduct for the purpose of Article 42.
- 6.3 Contravening basic individual rights constitutes misconduct for the purpose of Article 42. In serious, repeated or continued cases, a contravention of these Articles constitutes serious misconduct for the purpose of Article 42.

## **Article 7**

### **PROTECTION OF OFFICIALS IN THE PERFORMANCE OF THEIR DUTIES**

1. Officials shall be entitled to the Organisation's protection in the performance of their duties. They shall continue to enjoy such protection for actions taken in the performance of their official duties after they have left the Organisation.

2. Officials enjoy certain privileges, immunities and facilities, which are granted in the interest of the Organisation and not for the personal benefit of the individuals concerned. In particular, they shall not excuse officials from the performance of their private obligations or from the strict observance of law.

## **Instructions**

### **Request for assistance**

- 7.1 Any request for protection pursuant to Article 7(1) of the Staff Rules by an official threatened or attacked because of actions or status as an official of the Organisation shall be submitted to the Head of Human Resources. Protection may, for example, take the form of a contribution to the expenses occasioned by the legal defence of the official's interests or other help in this context.

### **Privileges and immunities**

- 7.2 The right to decide whether immunities shall be claimed or waived is with the Organisation. An official wishing to invoke immunity shall address a request to the Secretary General through Human Resources. If it is not possible to request a prior decision, an official claiming immunity shall immediately inform the Head of Human Resources.
- 7.3 Any other difficulty arising in connection with privileges and immunities should immediately be reported to the Secretary General.
- 7.4 Officials should not seek or accept means-tested benefits to which, taking into account their income from the Organisation, they are not entitled.

## **TITLE III:**

### **APPOINTMENT, SELECTION, REASSIGNMENTS, PROMOTIONS AND END OF APPOINTMENT**

#### **Article 8**

#### **APPOINTMENT**

Officials are appointed by the Secretary General, subject to Article 5 of the Statute.

#### **Article 9**

#### **SELECTION**

1. In selecting officials, the Secretary General shall give primary consideration to the necessity to obtain staff of the highest standards of competence and integrity.
2. The Secretary General shall provide for a competitive standard procedure for the selection of officials to fulfil functions within the Organisation.
3. The Secretary General may apply simplified selection procedures for specific functions that are not anticipated to be required in the long term, are likely to be best filled internally, require to be filled urgently, or that are to be filled in the framework of an agreement with a national administration or an intergovernmental organisation.

## **Instructions**

### **General provisions**

- 9.1** Unless otherwise decided by the Secretary General, the selection procedures shall be open to internal and external candidates.
- 9.2** When a vacancy notice is published for an administrative position, and where the Head of Administration is also the Head of Human Resources, then, in order to avoid any conflict of interest, the Human Resources' functions provided in the following Instructions of the Staff Rules shall be fulfilled by an alternative official.

### **Selection procedure applicable to officials other than Secretaries**

#### ***Standard selection procedure***

- 9.3** The standard selection procedure commences with the publication of the vacancy notice. This notice shall:
- a.** Be published internally and externally;
  - b.** describe the functions to be performed, the category and grade attached to these functions, the conditions to be met by the candidates, the documents to be provided in support of the applications; and
  - c.** set the deadline for filing the applications (Period for Filing).
- 9.4** The Period for Filing shall be a minimum of four weeks.
- 9.5** After the expiration of the Period for Filing, a short list of candidates shall be drawn up within four weeks by the hiring supervisor, in agreement with the Head of Human Resources or the alternative official. For selection at grade A4, A5 or A6, the Secretary General shall approve any such list. For the preparation of this list, the candidates may be asked to take a written examination and / or other tests.

### **Selection panel**

- 9.6** All short-listed candidates shall be invited for an interview with a selection panel, the composition of which shall be drawn up by the hiring supervisor, in agreement with the Head of Human Resources or the alternative official. For selection at grade A4, A5 or A6, the Secretary General should approve any such composition.
- 9.7** The selection panel shall assess the candidates and list those candidates considered as suitable for selection for the vacant functions. All such listed candidates will be deemed to have successfully completed the standard selection procedure and may be selected for the performance of other identical or comparable functions.

### **Selection decision**

- 9.8** The selection decision shall be taken by the Secretary General, in consultation with the hiring supervisor and the Head of Human Resources or the alternative official.
- 9.9** Before any offer of appointment is made to a selected candidate, his professional references shall be checked by the hiring supervisor in consultation with the Head of Human Resources or the alternative official.
- 9.10** Prior to his appointment as an official, the selected candidate must submit a medical statement to determine whether he satisfies the standards of medical fitness required for employment and the exercise of the functions assigned to him within the Organisation.

- 9.11** If the selected candidate does not accept the offer of appointment or does not meet the medical fitness requirements, including the requirements of the collective insurance provider of the Permanent Bureau, or vacates the functions for any reason within 12 months of the date on which he took them up, such functions may be filled in accordance with Instruction 9.12.
- 9.12** A candidate listed as suitable for selection by a panel may be selected, within a period of 24 months as from the date of this list, to fulfil other identical or comparable functions in accordance with Instruction 9.8, without launching a new selection procedure.

### **Simplified selection procedure**

- 9.13** The Head of Human Resources or the alternative official may, at the justified request of the hiring supervisor, authorise the use of a simplified selection procedure in the following cases:
- a. the functions require specific qualifications or experience that are less likely to be available outside the Organisation;
  - b. an urgent staff need arises from a change in the Programme of Work and Budget of the Organisation, which results in a short delivery time for a given output;
  - c. an unexpected staff movement could jeopardise the timely delivery of an output;
  - d. a project is expected to be completed within 24 months.
- 9.14** In cases falling under Instruction 9.13(a), the rules governing the standard selection procedure shall apply, subject to the following exceptions:
- a. the vacancy notice shall be published internally only and the Period for Filing shall be a minimum of two weeks; and
  - b. only those officials may apply who have been selected pursuant to a standard selection procedure or who have undergone such procedure and have been considered qualified for selection by a selection panel.
- 9.15** In cases falling under Instruction 9.13(b), (c) or (d), the rules governing the standard selection procedure shall apply, subject to the following exceptions:
- a. a description of the functions to be performed shall be submitted by the hiring supervisor to the Head of Human Resources or the alternative official for approval;
  - b. the Head of Human Resources or the alternative official may decide that no vacancy notice shall be published, or that it shall be published for a shorter period than provided for under the standard selection procedure;
  - c. the Head of Human Resources or the alternative official may decide that no selection panel shall be convened and no advisory body shall be consulted, in which case the qualifications of the candidates shall be assessed by the hiring supervisor and the Head of Human Resources or the alternative official;
  - d. the appointment or reassignment shall be for a total period not exceeding 24 months, including possible renewals.

### **Procedure for Secretaries other than the Secretary General**

- 9.16** The standard selection procedure commences with the publication of the vacancy notice. This notice shall:
- a. Be published internally and externally;

- b. describe the functions to be performed, the category and grade attached to these functions, the conditions to be met by the candidates, the documents to be provided in support of the applications; and
- c. set the deadline for filing the applications (Period for Filing).

**9.17** The Period for Filing shall be a minimum of four weeks.

**9.18** All the applications shall be brought to the attention of the selection panel. A short list of candidates shall be prepared by the selection panel.

**9.19** Secretaries shall be appointed following the process provided in the Statute of the Organisation.

### **Exceptions**

**9.20** A former official whose fixed-term appointment has expired after a period of continuous employment of at least five years within the Organisation may not be employed by the Organisation in any capacity, or enter into a contract with the Organisation for the provision of professional services, for a period of six months from the date of expiry of such appointment.

**9.21** No person shall be appointed or reassigned to functions within the Organisation in which he would have authority over, or be under the authority of, a close family member.

## **Article 10**

### **TERMS OF APPOINTMENT**

1. Appointments of officials shall be made by a letter of appointment, signed by the Secretary General or by his authorised representative.
2. The letter of appointment shall determine the specific conditions of employment and mention that the appointment is subject to the provisions of the Staff Rules and any other instructions and decisions applicable to officials, including amendments to these instruments (applicable instruments).
3. No officials shall be entitled to any right or benefit not derived from the letter of appointment or from the applicable instruments.
4. Any disputes regarding terms of appointment are subject to the Complaints Procedure in Article 44.

### **Instructions**

**10.1** Any person selected for appointment as an official shall:

- a. receive a letter containing an offer of appointment signed by the Secretary General;
- b. have access to the applicable instruments.

**10.2** In addition to the information specified in Article 10, the letter of appointment shall specify in particular:

- a. the functions which the person will be called upon to perform;
- b. the duration of the appointment and the date by which the person is to take up his duties;

- c. that the appointment is subject to the condition that the person be found medically fit to perform the functions to be assigned to him, as provided in Instruction 9.10;
  - d. that the attention of the person selected is particularly drawn to the basic principles, rights and duties of the officials of the Organisation set out in Title II of these Staff Rules;
  - e. the duration of the probationary period and its possible extension, or of the confirmation period;
  - f. that the appointment shall expire without prior notice on the date specified in the letter of appointment;
  - g. the category, grade and salary at the time of the appointment;
  - h. an estimate of the allowances to which the person may be entitled when taking up duty.
- 10.3** Unless the Secretary General decides otherwise, an official's appointment shall be to the first step of the applicable grade in the respective category, as published under Article 12(1).
- 10.4** Unless provided otherwise, the date taken into account for determining the entitlement to allowances and benefits shall be the date when the official takes up functions.
- 10.5** The selected candidate shall notify his acceptance of the offer of appointment to the Head of Human Resources or the alternative official within a maximum of 21 days upon receipt of such offer. Failing notification of the acceptance of the offer of appointment within this period, the offer shall be deemed rejected.
- 10.6** If, after accepting the offer of appointment, the official is found to not satisfy the standards of medical fitness required for employment and the exercise of the functions assigned to him within the Organisation, or fails to take up functions by the date specified in the offer of appointment, the appointment shall be rescinded.

## **Article 11**

### **DURATION OF APPOINTMENT**

- 1.** For officials at grade A4 or below:
- a. the appointment shall be made initially for a fixed term not exceeding three years. In very limited circumstances and when the Organisation's interests so warrant, the Secretary General may decide that the appointment be made initially for a fixed term not exceeding five years;
  - b. the appointment shall be subject to a probationary period of up to six months from the date of appointment, which may be extended once for a further period not exceeding six months. During the last month of the probationary period, the Secretary General shall decide whether to confirm the appointment, to extend the probationary period or to terminate the appointment;
  - c. the fixed-term appointment may be renewed once or more, provided that the total duration of service under such fixed-term appointment does not exceed five years. After a period of five years of continuous employment, such fixed-term appointment may be renewed in the following cases:
    - i. in order to complete the conversion procedure referred to in paragraph (d) below, for a further period not exceeding one year;



- ii. in very limited circumstances and when the Organisation's interests so warrant for a further period not exceeding three years;
  - d. the fixed-term appointment may be converted to an open-ended appointment, under the conditions set out in Instructions of the Secretary General, provided that, at the time of his initial appointment or at any time during his fixed-term appointment, the official has successfully completed the standard selection procedure;
  - e. conversion of fixed-term appointments to open-ended appointments shall be decided after a minimum of five years' satisfactory service and if considered to be in the interest of the Organisation.
2. For officials at grade A5 or above:
- a. the appointment shall be made initially for a fixed term not exceeding three years;
  - b. the appointment shall be subject to confirmation by the Secretary General within one year from the date of appointment. If the Secretary General decides not to confirm the appointment, he shall terminate the appointment, except if the official is reassigned to the functions previously assigned to him, or to other functions corresponding to his qualifications and experience, including at his previous category and grade in case he had been promoted;
  - c. the appointment may be renewed once or several times, each time for a fixed term not exceeding three years;
  - d. the fixed-term appointment may be converted to an open-ended appointment, under the conditions set out in Instructions of the Secretary General, provided that, at the time of his initial appointment or at any time during his fixed-term appointment, the official has successfully completed the standard selection procedure for Secretaries;
  - e. conversion of fixed-term appointments to open-ended appointments shall be decided after a minimum of five years' satisfactory service and if considered to be in the interests of the Organisation.

## Instructions

### Probationary Periods

- 11.1** During the last month of any probationary period, the official's competences, efficiency and conduct shall be evaluated following the procedure set out in Annex 5 of the Staff Rules.
- 11.2** The evaluation shall recommend one of the following, including the official's:
- a. appointment be confirmed;
  - b. probationary period be extended;
  - c. appointment be terminated.
- 11.3** The evaluation shall be transmitted to the Secretary General for decision.
- 11.4** A fixed-term appointment shall expire without prior notice on the date specified in the letter of appointment. A fixed-term appointment may be renewed, but an official shall not be entitled to any renewal of such appointment or to its conversion to an open-ended appointment.

### Conversion of fixed-term appointments into open-ended appointments

- 11.5** A fixed-term appointment does not carry any expectancy, legal or otherwise, of conversion, irrespective of the length of continued employment.
- 11.6** An official on a fixed-term appointment may apply for a conversion to an open-ended appointment. The application must be made no later than six months prior to the end date of the fixed-term appointment that, individually or cumulatively, results in a period of five years of continuous employment.
- 11.7** The application shall be submitted in writing to the Secretary General.
- 11.8** Upon receiving an application under Article 11.1, the Secretary General may renew a fixed-term appointment if it is, in his view, likely that a conversion is granted. The renewal shall be only for a period reasonably necessary to decide on, and complete, the conversion procedure.
- 11.9** The Secretary General may grant the conversion of a fixed-term appointment to an open-ended appointment, if:
- a.** the Secretary General considers that such a conversion is appropriate to satisfy the long-term strategic, operational and staffing needs, requirements and realities of the Organisation;
  - b.** the official on a fixed-term appointment has:
    - (i) has demonstrated by his qualifications, performance and conduct, that he is suitable as an international civil servant representing the HCCH;
    - (ii) is not subject to a disciplinary measure;
    - (iii) demonstrated that he fulfils the highest standard of competence, efficiency and integrity;
    - (iv) completed successfully the standard selection procedure and was appointed on the broadest possible geographical basis, from among nationals of the Member States;
  - c.** the nature of the official's duties; the level of responsibility; and the qualifications required for the open-ended appointment, all remain substantially the same upon conversion from a fixed-term to an open-ended appointment; and
  - d.** no other official on a fixed-term appointment, who equally fulfils these requirements, has applied for a conversion.
- 11.10** The conversion of a non-renewable fixed-term appointment into an open-term appointment shall not be possible.

## **Article 12**

### **CATEGORIES AND GRADES, ASSIGNMENTS AND REASSIGNMENTS**

- 1.** The Secretary General shall publish the categories, grades and steps for the functions to be assigned to officials, as provided annually by the OECD, as well as HCCH's adaptation of the scale to create the grade A0.
- 2.** The Secretary General shall be responsible for the allocation of functions among officials, their reassignment to other functions, their periodic advancement from one step to another, and their promotion from one grade or category to another.
- 3.** The Secretary General may second an official, with his consent, to work for another organisation. He may also, when the interests of the Organisation so require, lend the

services of an official, with his consent, to another organisation for a period not exceeding two years.

## Instructions

**12.1** Officials shall be classified into three categories: category A, category B, category C.

- a. Category A shall consist of eight grades: A0<sup>1</sup>, A1, A2, A3, A4, A5, A6 and A7.
- b. Category B shall consist of six grades: B1, B2, B3, B4, B5 and B6.
- c. Category C shall consist of six grades: C1, C2, C3, C4, C5 and C6.

## Advancement

**12.2** The periodic advancement of officials shall be considered annually as part of the performance evaluation process.

**12.3** The advancement of an official within his grade shall depend on his competence, efficiency and conduct. It shall be based on an evaluation of the official's performance within the framework of the annual appraisal process.

**12.4** The annual performance evaluation process is set out in Annex 5 to the Staff Rules.

**12.5** The Secretary General may directly reassign officials to other functions within the Organisation, either through transfers at the same grade or promotions.

## Transfer

**12.6** The Secretary General may directly reassign officials to other functions within the Organisation, through transfer when such functions are likely to be best filled internally through a simplified selection process in place of the standard recruitment procedure.

**12.7** The reassignment of an official by transfer shall be subject to confirmation by the Secretary General within six months from the date of the reassignment. Until the official has been confirmed in the new functions assigned, he shall have the right to return to the functions previously assigned corresponding to qualifications and experience.

**12.8** An official who is a close family member of another official or member of personnel, shall not be assigned to the latter's team without the permission of the Secretary General. No official shall carry out functions under the authority of a close family member.

## Promotion for officials other than Secretaries

**12.9** The Secretary General may reassign an official by promotion from one grade to another following an assessment of work and capabilities, and in agreement with the official's supervisor. The Secretary General may promote an official only after consulting an advisory committee appointed for that purpose. The advisory committee shall make recommendations to the Secretary General.

**12.10** The advisory committee referred to in Instruction 12.9 shall be composed of three members as follows:

<b>Chairman</b>	The Head of Human Resources or the alternative.
<b>Members</b>	1) The direct supervisor of the official concerned or, in cases where it is not applicable and / or appropriate, another

<sup>1</sup> A0 is a grade used at the Organisation for Legal Officers. It is equivalent to B4 in the salary scale.

<b>Secretary</b>	<p>person appointed by the Secretary General;</p> <p><b>2)</b> The possible new direct supervisor after promotion or, in cases where it is not applicable and / or appropriate, another person appointed by the Secretary General.</p> <p>Members of the committee will appoint among themselves a Secretary who shall be responsible for any applicable reporting and recommendations.</p>
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**12.11** A reassignment of an official by promotion shall be subject to confirmation in the conditions provided for in Instructions 12.6 and 12.7.

### **Article 13**

#### **END OF APPOINTMENT**

- 1.** The Secretary General may terminate the appointment of an official:
  - a.** for unsatisfactory service;
  - b.** in case of disciplinary dismissal in accordance with Article 42;
  - c.** where:
    - i.** based on the Programme of Work and Budget of the Organisation, the Secretary General decides to reduce the total number of officials assigned to a particular output or activity, or performing a particular type of function, or carrying a particular category and grade;
    - ii.** further to the redefinition of the functions, the official's skills and qualifications no longer match the needs of the Organisation;
    - iii.** the functions assigned to the official have become unnecessary or redundant.
  - d.** if the country of which the official is a national, ceases to be a Member of the Organisation, and Council has not agreed for those officials to remain officials of the Permanent Bureau;
  - e.** if the official refuses to be assigned to other functions corresponding to his qualifications and experience, at the same category and grade, or if the Organisation or the official's work unit is transferred to another place, and the official refuses to be transferred to that place;
  - f.** if the official's appointment, which was made subject to a probationary period or a confirmation period, is not confirmed;
  - g.** if the official is incapacitated for service or cannot be reinstated at the end of a period of non-activity or secondment.
- 2.** The Secretary General may terminate the appointment of an official upon agreement with the official concerned.
- 3.** In cases falling under paragraph (1)(a), (c), (e) or (g) above:

- a. the decision shall be taken after the advisory committee has been consulted on the possible termination of the appointment;
  - b. the official concerned shall be notified in writing by the Secretary General of the intended consultation with the advisory committee. The official may request to be heard by the advisory committee. The Secretary General shall notify the official concerned, in writing, of his final decision.
- 4. In all cases falling under paragraph (1) above, an official shall be notified in writing of the Secretary General's decision to terminate his appointment, indicating the grounds for such termination (notice).
- 5. The notice period shall be:
  - a. four months for an official whose appointment is terminated for the reasons set out in paragraph (1)(c) or (d) above. After four years of service, the notice given in the cases covered in paragraph (1)(d) above shall increase by one month for each two years of service to a maximum of ten months;
  - b. one month for an official of grade A4 or below whose appointment has not been confirmed and who is not subject to paragraph (5)(a) above;
  - c. three months for an official of grade A5 or above whose appointment has not been confirmed and who is not subject to paragraph (5)(a) above.
- 6. The notice period shall run in cases falling under paragraph (1)(a), (c) and (d) above, from the date of notification of the Secretary General's decision to terminate the appointment.
- 7. If an official is on sick leave when the notice period starts, that period shall be increased by the number of days during which such official is actually on sick leave after the starting date of the notice period.
- 8. In exceptional circumstances, the Secretary General may pay an official whose appointment is terminated the emoluments and allowances due for the notice period in lieu of giving the notice provided for in Article 13(4).
- 9. A notice period need not be observed when the appointment is terminated for the reasons set out in paragraph (1)(b), (e), (f) or (g) above.
- 10. When a fixed-term appointment ends at its expiry date, a notice period need not be observed.

## Instructions

### General provisions for officials other than Secretaries

- 13.1** In cases in which the appointment is terminated pursuant to Article 13(1)(a), (c), (e) or (g), an advisory committee must hear the official concerned if he so requests in writing within eight days of receiving the letter informing him that his case will be examined by this body. Should the official be physically unable to attend, the advisory committee shall examine the case in the absence of the official, who may designate another serving official to represent him.
- 13.2** The advisory committee referred to in Instructions 13.1 above and 13.6 below shall make recommendations to the Secretary General and be composed of three parties as follows:

<b>Chairman</b>	The Head of Human Resources or the alternative official.
<b>Members</b>	<p><b>1)</b> The direct supervisor of the official concerned or, in cases where it is not applicable and / or appropriate, another person appointed by the Secretary General;</p> <p><b>2)</b> A representative</p> <ul style="list-style-type: none"> <li>i. of the related programme budget in case the appointment is terminated pursuant to Article 13(1)(c); or</li> <li>ii. management in case the appointment is terminated pursuant to Article 13(1)(a), (c), (e), or (g) or, in cases where it is not applicable and / or appropriate, another person appointed by the Secretary General; or</li> <li>iii. appointed by the Secretary General where there is a case of conflict of interests under (i) or (ii) above.</li> </ul>
<b>Secretary</b>	Members of the committee will appoint among themselves a Secretary who shall be responsible for any applicable reporting and recommendations.

- 13.3** Notifications relating to the termination of an official's appointment shall be made by the Secretary General through the Head of Human Resources or the alternative official.

### Termination pursuant to Article 13(1)(b) in case of disciplinary dismissal under Article 42

- 13.4** The appointment of an official may be terminated pursuant to Article 13(1)(b) if the official is dismissed, with or without notice, and including with the removal of benefits accruing under Article 28(1)(b), as the result of a disciplinary measure following serious misconduct taken against the official under Article 42.
- 13.5** In cases in which an official's appointment is terminated pursuant to Article 13(1)(b), the decision shall be made and notified by the Secretary General using the procedure established in Article 42.

### **Termination pursuant to Article 13(1)(c)**

**13.6** In cases in which the appointment of an official is terminated pursuant to Article 13(1)(c):

- a. the Organisation shall assist the official by seeking actively and spontaneously available functions in the Organisation corresponding to his qualifications and experience, and, if this search is unsuccessful, by facilitating his search for employment outside the Organisation;
- b. the Secretary General shall, unless the official renounces thereto in writing, seek such functions during a period of three months following the beginning of the notice;
- c. if the Secretary General has been unable to find such functions by the end of the search period or has not searched for such functions because the official concerned has renounced redeployment, the Secretary General may then terminate the official's appointment, after consultation with the advisory committee set out in Instruction 13.2 above, paying him the emoluments and allowances corresponding to the balance of this period of notice.

### **Cessation of work**

**13.7** Any official whose appointment is terminated shall be entitled to cease work at least one month before the expiry of the period of notice specified in Article 13(5).

**13.8** If an official requests not to serve during all or part of the notice period, the Secretary General may terminate the official's appointment at an earlier, mutually agreed, date. In this case, the notice period shall end on the agreed date, and no payment in lieu of notice shall be payable in respect of any subsequent period.

### **Payment in lieu of notice**

**13.9** The emoluments and allowances payable under Article 13(8) shall be:

- a. the salary specified in Article 18;
- b. the allowances specified in Article 19(1)(a), (b), (c) and (f).

### **Entitlement to an indemnity for loss of employment**

**13.10** An official shall be entitled to an indemnity for loss of employment:

- a. where his appointment is terminated for any one of the reasons enumerated in Article 13(1)(c) to (e) inclusive and Article 13(2); or
- b. where his appointment is not renewed, except for reasons of discipline or for unsatisfactory service, if he has served not less than six years within the Organisation.

**13.11** Notwithstanding the provisions of Instruction 13.10, the indemnity for loss of employment shall not be paid to an official:

- a. who has been offered other functions in the same grade in the Organisation;
- b. whose appointment is terminated pursuant to Article 13(1)(e) if his letter of appointment provided for the possibility of his work unit being transferred to another place;
- c. who, on the date his appointment ends, has the right to be reintegrated by his previous employer.

- 13.12** An official shall be entitled to an indemnity for loss of employment equal to a remuneration of:
- a. three months in the case of an engagement for three years or less;
  - b. five months in the case of an engagement for any term between three and five years;
  - c. six months in the case of an engagement for any term between five and ten years;
  - d. 12 months in the case of an engagement for more than ten years.
- 13.13** The amount of indemnity shall not exceed the number of months, or fractions of months in excess of the period which the official would still have to serve before reaching the age limit specified in Article 16. Finally, such indemnity, when added to the total pension to be received on account of the Pension Scheme until the age limit specified in Article 16 and to the payment in lieu of notice, shall not amount to more than the emoluments the official would have received had he remained in employment with the Organisation in his last category, grade and step until such age.
- 13.14** For the purposes of Instruction 13.12, in calculating the indemnity, no account shall be taken of any years of service in respect of which:
- a. any indemnity for loss of employment has already been paid;
  - b. the appointment was terminated for disciplinary reasons.
- 13.15** Officials holding an open-ended appointment when they are promoted on a fixed-term appointment as grade A6 or A7 shall remain entitled to the indemnity for loss of employment and notice period applicable to open-ended appointment holders.
- 13.16** In the case of termination under Article 13(2), the Secretary General may pay an indemnity to an official who waives all claims against the Organisation. The Secretary General shall fix the amount of such an indemnity, which shall not exceed the ceilings stipulated in Instruction 13.12.
- 13.17** For the purposes of Instruction 13.10, the emoluments to be taken into account for determining the amount of the indemnity shall be:
- a. the salary specified in Article 18;
  - b. the household allowance;
  - c. the child allowance;
  - d. the handicapped child allowance.
- 13.18** The indemnities payable under Instruction 13.12 shall be calculated on a *pro rata* basis to reflect periods of part-time work.
- a. The indemnity for loss of employment shall be paid to the official in full on the effective date of termination of his appointment.
  - b. The indemnity for loss of employment and payment in lieu of notice shall be reimbursed to the Organisation if the former official is accorded an invalidity pension under the Pension Scheme. The Organisation may deduct from the invalidity pension the amounts paid on account of indemnity for loss of employment and of payment in lieu of notice.
  - c. When an official whose appointment has been terminated is appointed to a new post in the Organisation, he shall reimburse the difference, if any, between the emoluments he would have received had his appointment not been terminated and the amount of indemnity for loss of employment and of payment in lieu of notice which he has received.



**Article 14**  
**SECONDMENT**

1. The Secretary General may accept secondees for defined terms (Period of Secondment).
2. The conditions of a secondment, including the Period of Secondment, shall be agreed between Secretary General, the seconded, and the seconded's employer. The conditions shall be recorded in an agreement concerning the secondment (Secondment Agreement).
3. The seconded's employer shall remain responsible for the remuneration of the seconded, including, but not limited to, salary, travel to and from a duty station, family and education allowances, and the cost of any other employment benefits granted by the employer.

**Instructions**

- 14.1 When accepting secondees, the Secretary General shall consider whether the secondment can further the Organisation's purpose, and is justified in light of the limited size and resources of the Permanent Bureau.
- 14.2 The Period of Secondment may not be less than six months. An initially agreed Period of Secondment may be renewed for a further period or periods of not more than one year at a time, but the maximum Period of Secondment for any one seconded shall not exceed two years overall.
- 14.3 If it is anticipated that a secondment is, or will become, part of a regular secondment programme, the Secretary General may decide to negotiate and conclude a framework agreement with the seconded's employer, covering the secondment program. The framework agreement shall contemplate that the relationship between the Permanent Bureau and the seconded is to be governed by a separate, more detailed agreement.

**Article 15**  
**RESIGNATION, ABANDONMENT OF FUNCTIONS AND DEATH**

1. Any official may resign upon giving the Secretary General notice of at least three months. The Secretary General may accept a shorter period of notice.
2. Any official shall be considered to have resigned from the Organisation when his unauthorised and unexplained absence exceeds 14 calendar days, and his service with the Organisation shall be deemed to have ceased on the first day of his absence.
3. When an official dies in service, his appointment shall be considered as terminated on the last day of the month of his death.
4. During the probationary period, an official may resign upon giving the Secretary General notice of one month.

**Instructions**

- 15.1 Notice of resignation should be made in writing to the Secretary General.

## **Article 16**

### **AGE LIMIT**

The age limit for service in the Organisation shall be determined by the Secretary General.

#### **Instructions**

- 16.1** For officials under the Pension Scheme, this shall be 65 years of age. For officials under the New Pension Scheme, this shall be 67 years of age.
- 16.2** The appointment of an official shall terminate with effect from the first day of the month following that in which the pensionable birthday occurs, subject to Instruction 16.3.
- 16.3** Upon the request of the official, and subject to the approval of the Council of Diplomatic Representatives, the appointment shall terminate at the end of the Financial Year in which the pensionable birthday occurs.

## **Article 17**

### **NON-ACTIVE STATUS**

- 1.** An official may be placed on non-active status:
  - a.** for a period of not more than 32 months upon the expiry of his sick leave provided for in Article 37;
  - b.** for a period of not more than 24 months for personal reasons.
- 2.** An official on non-active status shall not be entitled to any salary or allowances, but may be granted benefits pursuant to Article 28. The period spent on non-active status shall not be considered as effective service with the Organisation.
- 3.** Where an official is in a position to resume work after a period of non-active status as specified in paragraph (1)(a) or (b) above, he shall be entitled to reinstatement in his previous category and grade, if functions corresponding to his qualifications and experience are available within the Organisation.
- 4.** Where an official on non-active status for reasons of sickness becomes fit to resume work and cannot be reinstated in his category and grade because, after a period of research of three months, no functions corresponding to his qualifications and experience are available within the Organisation, or where an official is not fit for service at the end of a period of non-active status as specified in Article 17(1)(a), the Secretary General shall terminate his appointment under Article 13(1)(g) and shall pay the official an indemnity provided for in Instructions 13.12 and following. Such indemnity may not be cumulated with that provided for under Instruction 13.10 for situations referred to in Article 13(1)(c), (d) or (e) and Article 13(2) and shall not be paid if the conditions in Instruction 13.11 are met.
- 5.** At least three months before the end of a period of non-active status for personal reasons, an official, although not entitled to be reinstated, may ask to return to work. This official shall be authorised to apply for vacancies only published internally, and the Organisation shall assist him by seeking available functions in the Organisation corresponding to his qualifications and experience for three months as from his request. Should any such request be made less than three months before the end of a period of non-active status for personal reasons, the period during which the official shall be authorised to apply to vacancies only published internally shall be reduced accordingly. If, at the end of this period, his application has not been accepted, the Secretary General shall terminate his appointment without notice or indemnity.

6. The functions held by an official immediately prior to his being placed on non-active status for reasons of sickness attributable to a work accident or occupational disease may not be filled for a period exceeding the foreseeable duration of his incapacity, as determined by the medical practitioner designated by the Organisation, and if this official becomes fit to resume work at, or before the end of, the period of non-active status specified in Article 17(1)(a), he shall be entitled to be reassigned to the functions performed before being placed on non-active status.
7. If the functions are filled, and the official becomes fit to work before the expected end of his incapacity, the Secretary General shall assign him to other available functions corresponding to his qualifications and experience and to his category and grade.
8. If the official becomes fit to work before the end of the period of non-active status specified in Article 17(1)(a), and if the functions assigned to him immediately prior to his being placed on non-active status have been affected by one of the situations referred to in Article 13(1)(c), (d) and (e), the Secretary General may terminate his appointment.

## **Instructions**

### **Sickness**

**17.1** An official placed on non-active status for reasons of sickness pursuant to Article 17(1)(a):

- a. shall not be entitled to periodic advancement, paid leave, home leave and reimbursement of travel expenses, leave for length of service or in general, to any other right based on length of service with the Organisation;
- b. shall continue to pay contributions to the Pension Scheme;
- c. shall be entitled to any benefits payable in accordance with Article 28(1)(a).

### **Maintenance of salary in case of sickness**

**17.2**

- a. Once the period of sick leave referred to in Article 37 has been exhausted, officials on non-active status for reasons of sickness shall be entitled to maintenance of their salaries and allowances under the following conditions:
  - i. the entirety of the salary and allowances for a maximum period of six months;
  - ii. 50% of the salary and allowances for up to the subsequent four months.
- b. However, where the temporary incapacity to work results from the following exhaustive list:
  - disabling cerebrovascular accident (stroke);
  - aplastic anaemia;
  - chronic and progressive arterial disease (including coronary artery disease) with clinical symptoms of ischemia;
  - complicated schistosomiasis; poorly tolerated congenital heart disease, severe heart failure and severe valve heart disease requiring surgery;
  - chronic active liver diseases and cirrhosis;
  - severe primary immunodeficiency requiring long term treatment, infection with the human immunodeficiency virus (HIV);
  - complicated diabetes;
  - severe forms of neurological and muscular disease (including myopathy);
  - severe epilepsy;
  - homozygous haemoglobinopathy;
  - haemophilia;
  - severe hypertension;
  - severe chronic pulmonary insufficiency;
  - leprosy;

- Alzheimer's disease and other forms of dementia;
- Parkinson's disease;
- hereditary metabolic disorders requiring long term specialist treatment;
- cystic fibrosis;
- severe chronic renal disease and primary nephrotic syndrome;
- paraplegia;
- polyarteritis nodosa, systemic lupus erythematosus, progressive scleroderma;
- severe progressive rheumatoid arthritis;
- psychosis, severe personality disorder, mental retardation;
- chronic active ulcerative colitis and progressive Crohn's disease;
- disabling multiple sclerosis;
- progressive structural scoliosis (25° or greater) prior to spinal maturation;
- severe ankylosing spondylitis;
- after-care following organ transplant;
- active tuberculosis;
- malignant tumour or malignant disease of the lymphatic or haematopoietic system;
- complications following a serious accident;

officials shall be entitled to maintenance of their salary and allowances for a maximum period of 32 months as follows:

- i. for the first 14 months, the entirety of salary and allowances;
  - ii. for the following 18 months, 80% of salary and allowances.
- c. To qualify for the maintenance of their salary and allowances, the official concerned shall submit a medical certificate to the Head of Human Resources confirming that his medical condition is listed under Instruction 17.2 (b).
- d. For the purposes of this Instruction, account shall be taken of all periods of sick leave granted under Article 37 and of non-active status for reasons of sickness granted under Article 17(1)(a) falling within the 365 days preceding the date of cessation of work, irrespective of whether such periods are, or are not, attributable to the same illness.
- e. Whatever his situation, an official shall not be entitled to maintenance of his salary and allowances for a period of more than 32 months, even when his state of health led to his being governed first by paragraph (a) then (b) above, or conversely.

### **17.3**

- a. Payment of salary and allowances shall be subject to compliance with Instruction 30.1. Payment of salary and allowances may be suspended if the medical practitioner designated by the Organisation finds that the official is not following the treatment and prescriptions of his own medical practitioner, or that the official is fit to resume work.
- b. The salary and allowances shall cease to be due on termination of the appointment.

## **Personal information**

### **17.4** Any official placed on non-active status shall:

- a. leave an address with the Head of Human Resources where communications may reach him;
- b. inform the Head of Human Resources of any changes in family status or relevant professional qualifications.

## **Personal reasons**

**17.5** An official placed on non-active status for personal reasons pursuant to Article 17(1)(b) shall not:

- a. be entitled to periodic advancement, paid leave, home leave or reimbursement of travel expenses relating thereto, leave for length of service or, in general, to any other right based on length of service with the Organisation;
- b. contribute to any of the Organisation's Pension Schemes;
- c. be entitled to the benefits detailed in Article 28(1)(a).

## **Expiry of non-activity**

### **17.6**

- a. Where an official on non-active status for reasons of sickness is declared medically fit for service by the medical practitioner designated by the Organisation, the Organisation shall, for a period of three months as from the declaration of fitness, look for available functions within the Organisation corresponding to the official's qualifications and experience, unless the official waves this requirement.
- b. During the period referred to in Instruction 17.6(a), the official shall be placed on non-active status for personal reasons.
- c. If functions corresponding to the qualifications and experience of the official are available during the period of research referred to in Instruction 17.6(a), those functions shall be assigned immediately to him. If, at the end of the period of research, no functions corresponding to the qualifications and experience of the official are available, the Secretary General shall terminate the official's appointment after consulting the appropriate advisory committee referred to in Article 13 and under the conditions referred to in Instructions 17.1 and 17.2.

## **TITLE IV:**

### **SALARIES, ALLOWANCES AND BENEFITS**

#### **Article 18**

#### **SALARY SCALE**

- 1. Officials shall be entitled to the salary associated with their category, grade and step.
- 2. The Secretary General shall apply to officials the salary schedules for the Netherlands provided annually by the International Service for Remunerations and Pensions (ISRP) of the OECD and must publish the salary scales annually by categories, grades and steps in a timely manner upon receipt.
- 3. Salary increases shall take effect at the beginning of the Financial Year following the decision of the Council of Diplomatic Representatives on the Budget.
- 4. Officials may not receive any remuneration from any government. However, the Secretary General may, if in his opinion it is justified, permit exceptions in the case of officials placed at the disposal of the Organisation by any Member State government. The Secretary General shall keep the Council of Diplomatic Representatives informed of the cases or categories in respect of which such exceptions have proved necessary and the grounds for such exceptions. Title IV of the Staff Rules shall apply to such officials only to the extent specified in the letter of appointment.

5. Unless provided otherwise, for the purposes of the Staff Rules, emoluments shall include the salary specified in Instruction 18.1, and the allowances specified in Article 19(1)(a), (b), (d) and (f).

### **Instructions**

- 18.1** Every official shall receive the salary according to his category, grade and step as shown in the table in Annex 8 to the Staff Rules.
- 18.2** One twelfth of the annual salary shall be payable in arrears each calendar month (salaries' instalments).
- 18.3** Salaries' instalments shall be paid on the twenty-third day of the month.
- 18.4** Salaries shall be payable in Euro (€).
- 18.5** Where an official works for less than 16 days in a calendar month, he shall be entitled to one-thirtieth of his monthly salary per day worked. Where an official works for more than 15 days in a calendar month, he shall be entitled to his monthly salary less one-thirtieth thereof per day not worked. All Saturdays, Sundays and public holidays included in the period starting with the date of appointment, and ending with the last day of appointment, shall be considered to be days worked. However, when an official in service dies, his emoluments shall be maintained to the end of the current calendar month.
- 18.6** Unless otherwise specified, all other emoluments shall be calculated and paid under the same conditions as salaries.

## **Article 19** **ALLOWANCES**

1. Officials shall be entitled to the following allowances as established by means of Instructions subject to eligibility of officials:
  - a. household allowance;
  - b. child allowance;
  - c. allowance for a handicapped child;
  - d. dependant allowance;
  - e. education allowance;
  - f. expatriation allowance;
  - g. relocation allowance;
  - h. acting allowance.
2. Officials who have entered into a partnership organising the conditions of their marital relationship registered with a national public authority shall be considered as married officials and their partners as spouses, provided that all the following conditions are met:
  - a. neither of the partners is married or has already entered into another registered partnership;
  - b. the kinship between the partners does not preclude their marriage;

- c. the couple as such does not legally have access to civil marriage under the legislation of the State of which the official is a national or of the country of residence of the couple.

## **Instructions**

### **General provisions**

- 19.1** Entitlement to allowances shall be determined at the time of appointment. Thereafter, the entitlement of officials shall be reviewed periodically. Officials shall inform the Head of Human Resources without delay of any changes in personal or professional status that may affect their entitlement to allowances.
- 19.2** Although allowances may be paid in respect of a period preceding the notification to the Head of Human Resources of the facts determining entitlement, no official may claim such payment as a right.
- 19.3** Where an official misinforms or omits to inform the Head of Human Resources of any relevant fact and receives, as a result, an allowance to which he is not entitled, he shall be required to refund any sums of money so received. To misinform, or to omit to inform, constitutes serious misconduct for the purposes of Article 42.
- 19.4** Officials shall provide the Head of Human Resources with proof that all the conditions set out in Article 19(2) are met.

## **Article 20**

### **HOUSEHOLD ALLOWANCE**

- 1.** Married officials, officials who have one or more dependants, and officials entitled to the allowance for a handicapped child, shall be entitled, subject to the following provisions, to a household allowance equal to 6% of their salary, subject to a minimum household allowance of 6% of the salary at grade B3, step 1.
- 2.** In the case of a married official who has no dependent person and whose spouse exercises a gainful activity:
  - a.** if the earned income of the spouse is less than the sum of the salary of an official of grade B3 step 1 plus the household allowance to which the official would be entitled under Article 20(1), the household allowance shall be equal to the difference between the earned income of the spouse and that sum, but shall in no case be greater than 6% of the salary of the official or, as the case may be, than 6% of the salary of an official of grade B3 step 1;
  - b.** if the earned income of the spouse is equal to, or greater than, the sum of the salary of an official of grade B3 step 1 plus the household allowance to which the official would be entitled under Article 20(1), no household allowance shall be payable.
- 3.** Where an official and his spouse are both employed by the Organisation, and both spouses are entitled to the household allowance, it shall only be paid to the spouse whose salary is the greater.
- 4.** Where an official or his spouse already receives a household allowance or a similar allowance from another source, the amount so received shall be deducted from the allowance due by virtue of Article 20(1).

## **Instructions**

- 20.1** Officials shall provide the Head of Human Resources with proof of their entitlement to the household allowance.
- 20.2** Where an official becomes entitled to a household allowance, the allowance shall be paid for the whole month if the entitlement occurs before the sixteenth day, and for half a month if it occurs after the fifteenth day. Where an official loses his entitlement to a household allowance, the allowance shall be paid for half a month if loss of entitlement occurs before the sixteenth day, and for the whole month if it occurs after the fifteenth day.

## **Article 21**

### **CHILD ALLOWANCE**

1. Officials shall be entitled to an annually revised child allowance in respect of each child for whose support he is effectively responsible, as provided in Annex 10 to the Staff Rules.
2.
  - a. Any unsalaried child, who is born to, or adopted by, or who is given a home by, an official or his spouse, and who is dependent on an official or his spouse for main and continuing support, and who:
    - i. is under 18 years of age; or
    - ii. is between 18 and 26 years of age and is receiving school or university education or vocational training;
 shall be considered a dependent child.
  - b. Any handicapped child, within the meaning of Article 22(2), who is dependent on an official or his spouse for main and continuing support, shall also be considered a dependent child.
3. Where an official or his spouse already receives from another source an allowance for the support of a child of the same nature as the allowance due by virtue of Article 21(1), such amount shall be deducted from the latter allowance, without prejudice to the provisions of Article 22(5)(a).

## **Instructions**

- 21.1** The provisions of Instructions 20.1 and 20.2 shall apply to the child's allowance.
- 21.2** To obtain payment of a child allowance in respect of a child over 18 years of age, officials shall be required to furnish Human Resources, at the beginning and end of each academic year, with proof that the child is receiving a school or university education or vocational training, or is carrying out his compulsory national service without remuneration.

## **Article 22**

### **ALLOWANCE FOR A HANDICAPPED CHILD**

1. Officials with a dependent child who is handicapped within the meaning of this Article, whatever the age of the child, may claim the benefit of an allowance for a handicapped child and of reimbursement of education or training expenses related to the handicap.



2.
  - a. A child shall be deemed to be handicapped if it is established by medical evidence that he is suffering from a handicap necessitating special care, supervision, or special education or training.
  - b. Only handicaps established by medical evidence which necessitate special care, supervision, or special education or training, not provided free of charge, entitle to the benefits provided under Article 22(1).
3.
  - a. The criterion for entitlement to the benefits provided for under this provision shall be the serious and continuing impairment of the physical or mental capacities.
  - b. Children may be deemed to be handicapped when they suffer from affections and illnesses, including, but not limited to:
    - i. serious or chronic affection of the central or peripheral nervous system, however caused, such as encephalopathies, myelopathies or peripheral paralysis;
    - ii. serious affection of the locomotor system;
    - iii. serious affection of one or more sensory systems;
    - iv. chronic and disabling mental illness.

The above list is not exhaustive and is set out as an indication.
4.
  - a. The amount of the allowance for a handicapped child shall be equal to the amount of the allowance for a dependent child provided for in Article 21(1) and shall be additional thereto.
  - b. An official receiving the allowance for a handicapped child is required to declare any similar allowance which is paid to him, his spouse or the handicapped child under a national or international scheme, in which case such payments shall be deducted from the allowance paid under these Articles. Should no allowance be payable in respect of a handicapped child by the sole virtue of the provisions of this subparagraph, such child shall nonetheless continue to be considered as dependent within the meaning of Article 21(1).
  - c. The decision granting the allowance for a handicapped child shall be taken after consulting an advisory committee which shall include at least one medical practitioner. Such decision shall specify the period for which the entitlement to benefits for a handicapped child is granted, subject to review.
5.
  - a. Educational or training expenses related to the handicap may only be the subject of a claim for reimbursement on the double condition that such expenses:
    - i. have been incurred in order to provide the handicapped child with education or training specially adapted to his needs and designed to obtain the highest possible level of functional capability; and
    - ii. are not of the same kind as those taken into account under Article 24(4) below.
  - b. Education or training expenses which are assessed to be reasonable shall be reimbursed, after consulting the committee referred to in Instruction 22.1, within the limit of 90% of their amount, after deduction of any payment received from any other source for the same purpose.

## Instruction

**22.1** The committee referred to in Article 22(5)(b) shall make recommendations to the Secretary General and be composed of three members as follows:

<b>Chairman</b>	A medical practitioner appointed by his peers on the committee.
<b>Members</b>	<ol style="list-style-type: none"> <li>1) a medical practitioner appointed by the Secretary General,</li> <li>2) a medical practitioner appointed by the official concerned.</li> </ol>
<b>Secretary</b>	The Head of Human Resources.

## **Article 23**

### **DEPENDANT'S ALLOWANCE**

1. Officials are entitled to an allowance of the same amount as that of the child allowance for any immediate forebearer related to him by blood or marriage, and who he can prove to be dependent on him for main and continuing support, under the conditions fixed by the Secretary General.
2. Where an official and his spouse are both employed by the Organisation, the dependant's allowance shall be paid to the official who receives the household allowance.

## Instruction

### **23.1**

- a. A person is considered a dependant of an official when the official ensures his main and continuing support, and if:
  - i. the official is under a legal obligation to support that person and the support costs represent more than 15% of the official's basic salary; or
  - ii. that person has a total income of less than 50% of the basic salary of an official of grade C1 step 1, and
    - the support provided represents more than 15% of the official's basic salary; or
    - the official provides that person full board and lodging in his household.
- b. In order to establish the dependant's income, all revenues shall be taken into account. When a dependant lives with his spouse, his income shall be considered as fulfilling the criteria set out in paragraph (a)(ii) above if the total income of the couple does not exceed 85% of the basic salary of an official of grade C1 step 1. In such cases, only one allowance is granted to the official in respect of the household.
- c. In order to establish the main and continuing support provided by the official, the following shall be taken into account:
  - i. direct support:
    - the regular and continuing financial support provided by the official to the dependant;

ii. indirect support:

- the regular and continuing payment made by the official for the benefit of the dependant such as the direct payment to an old people's home;
- the accommodation provided by the official to the dependant, other than in his own household.

## **Article 24**

### **EDUCATION ALLOWANCE**

1. Officials with dependent children, within the meaning of Article 21(1), who regularly attend an educational establishment on a full-time basis, may request the reimbursement of educational costs on the following conditions:
  - a. If they are entitled to the expatriation allowance under Article 25 and following:
    - i. in respect of children in compulsory education, up to completion of secondary level education;
    - ii. in respect of children at post-secondary level of education, for studies carried out in the country of which the official or the child's other parent is a national or in the duty country. Upon a duly justified request from the official, for reasons of continuity in following an educational cycle commenced prior to the date of transfer or recruitment, or if the capped educational costs are lower for the Organisation in a third country, an exception to this provision may be granted by the Secretary General.
  - b. By way of exception, officials who do not meet the conditions set out in Article 24(1)(a) above, may request the reimbursement of educational costs:
    - i. in the event of transfer or recruitment from another international organisation where the official concerned was entitled to an education allowance for a dependent child who must, for imperative educational reasons, continue an educational cycle commenced prior to the date of transfer or recruitment other than for post-secondary education and which is not part of the national educational system of the country of duty;
    - ii. if they are not entitled to the expatriation allowance and are not nationals of the country of duty, provided they were granted an education allowance or reimbursement of the educational costs for a dependent child who must, for imperative educational reasons, continue an educational cycle commenced prior to the date of transfer or recruitment other than for post-secondary education and which is not part of the national educational system of the country of duty;
  - c. Entitlement to the education allowance resulting from the application of paragraph (1)(b)(i) and (ii), may not exceed the duration of the educational cycle.

### **Reimbursement procedures**

2.
  - a. The education allowance shall take the form of a reimbursement set at 75% of the total expenditure mentioned in Article 24(3)(a) and (b). The total amount of the education allowance shall be subject to the highest of the following ceilings:
    - i. two and a half times the annual dependant child's allowance applicable in the country where the studies are carried out; or

- ii. if the child carries out his studies in the country of which the official or the other parent is a national and insofar as it is not the country of duty, three times the dependent child's allowance applicable in that country.
  - b. Where, for imperative educational reasons, the items of educational expenditure, as set out in Article 24(3)(a) and (b), are excessively high, the Secretary General may grant, upon request from an official and after an examination of individual cases, an increased allowance within the limit of 75% of the total admissible expenditure and which may in no case exceed four times the dependent child's allowance. This increased allowance may only be granted for the education of the children of officials receiving the expatriation allowance and up to completion of the secondary cycle.
3. The following expenses shall be taken into account when calculating the education allowance:
    - a. school or university registration and tuition fees, with the exception of expenses for special courses and activities that are not normally part of the child's basic course of studies and the cost of related equipment;
    - b. expenditure for board and lodging in cases where it is shown that the child does not live at the official's or either of his parents' dwelling;
  4. For reimbursement of expenses mentioned in Article 24(3)(a) and (b), supporting documentation shall be required, as indicated in Article 24(7).
  5. Entitlement to the education allowance shall commence on the first day of the month during which the child begins to attend school and not earlier than the age corresponding to the compulsory age of education of the national system followed by the school. It shall finish when the child stops full-time studies, and not later than the end of the month in which the dependent child allowance stops being paid.
  6.
    - a. An official whose child carries out his studies at a place more than 300 kilometres away from the duty station shall be entitled to reimbursement of the cost of one return trip per year between the place of study and the duty station or the place approved for home leave, up to the limit of the cost of a return trip between the duty station and the place approved for home leave.
    - b. An official with a child under the age of 18, who carries out his studies at a place more than 300 kilometres away from the duty station, may request reimbursement of 70% of the cost of two additional return trips per year between the place of study and the duty station or the place approved for home leave, up to the limit, for each return trip, of the equivalent percentage of the cost of a return trip between the duty station and the place approved for home leave.
    - c. In the cases referred to in Article 24(6)(a) and (b), the reimbursement of travel costs for home leave shall replace that of a trip relating to education in the year in which home leave is taken by the official. The cost of travel for home leave shall be reimbursed in accordance with Article 29.
  7. At the beginning of the school year, an official requesting an education allowance shall submit a certificate of enrolment provided by the educational establishment and shall inform the Head of Human Resources as fully as possible on the expenditures which will be incurred for the education of each child. At the end of the school year, the official shall provide proof of the total expenditure during the school year in order to confirm the final calculation of the allowance, pursuant to Article 24(2).
  8.
    - a. The supplement for a dependent child and the education allowance shall not be paid concurrently.

- b. No education allowance shall be paid if the total of the items of expenditure reimbursable under Article 24(3) is less than the annual amount of the supplement for a dependent child.
  - c. The amount of any allowances received from other sources (including, for example, scholarships and study grants), and any other reimbursement of educational costs from other sources relating to the education of the dependent child, shall be deducted from the education allowance. The official shall inform the Organisation of any other allowance or reimbursement received from another source or of any change of circumstances which affect entitlement to, or the level of reimbursement of, educational costs.
9. Subject to the ceilings specified in Article 24(2), expenses referred to in Article 24(3) shall be reimbursed on the basis of a lump sum, determined as follows:
- a. the lump-sum amount for board and lodging expenditure under Article 24(3)(b) shall be equivalent to the annual dependent child's allowance applicable in the country in which the studies are being carried out;
  - b. the lump-sum amount for all other education-related expenditure shall be equivalent to one-sixth of the annual dependent child's allowance applicable in the country in which the studies are being carried out.

## Instructions

- 24.1** For the purposes of the provisions on the education allowance, should the official not be the parent of the dependent child, "other parent" shall mean the parent of the child who is the official's spouse.
- 24.2** For the purposes of Article 24(1)(a)(ii), the educational costs in a third country limited to an amount equivalent to two and a half times the annual dependant's child allowance applicable in the official's country of duty, shall be considered as coming under the purview of the exception granted by the Secretary General.

## Reimbursement procedures

- 24.3** The annual periods, mentioned in Article 24(6), during which a child eligible for the education allowance may make a return trip between the place of study and the official's duty station or the place approved for home leave, are calculated from the date of appointment of the official. Reimbursement of the cost of the return trip between the place of study and the official's duty station or the place approved for home leave shall be made in accordance with Article 29. The return trip between the place of study and the duty station or the place approved for home leave shall always be assumed to start at the place where the child is carrying out his studies.
- 24.4** No reimbursement of a child's travel in relation to education shall be made during the four months preceding the date when an official's appointment is due to end. However, the cost of travel from the place of study to the official's permanent residence or new duty station may be reimbursed up to the limit of the travel costs defined in Article 29.
- 24.5** An official shall inform the Head of Human Resources of his possible intention to travel, before the end of the previous school year.
- 24.6** On the basis of the information and invoices supplied, the education allowance shall be calculated and made payable by the end of the Financial Year.

## **Article 25**

### **EXPATRIATION ALLOWANCE**

#### **General provisions relating to the expatriation allowance**

1. The amount of the expatriation allowance shall not be less than that payable to officials in grade B3 step 1.
2. Officials entitled to the expatriation allowance shall also receive a supplementary expatriation allowance as detailed in Annex 10 in respect of each dependent child. However, officials who are in receipt of the education allowance shall not be entitled to the supplementary allowance for dependent children included in the expatriation allowance.
3. The rate of the expatriation allowance applicable to an official married to another official of the Organisation shall be that which is applicable to officials not entitled to the household allowance, if the spouse of that official is likewise entitled to the expatriation allowance.
4. Officials in receipt of the expatriation allowance, who take up their duties in a country of which they are nationals, shall cease to receive the expatriation allowance. Officials in category A or B who are transferred to a country of which they are not nationals shall be entitled to the expatriation allowance.

#### **Specific provisions relating to the expatriation allowance**

5. The following expatriation allowance regime shall apply to officials whose appointment has taken effect:
  - a. before 1 January 1996 – the provisions of Article 25(6);
  - b. after 31 December 1995, and before 1 January 2012 – the provisions of Article 25(7), and Instruction 25.2;
  - c. as of 1 January 2012 – the provisions of Article 25(8), and Instruction 25.3 .

#### **Provisions applicable to officials appointed before 1 January 1996**

6.
  - a. An expatriation allowance shall be paid to officials in category A or B appointed before 1 January 1996 at the rate fixed in Article 25(6)(b) provided that, at the time of their appointment by the Organisation:
    - i. they are not nationals of the country where they carry out their duties;
    - ii. they had not been continuously resident in the country where they carry out their duties for at least three years, no account being taken of previous service in the administration of the country of which they are nationals or in other international organisations.
  - b. The expatriation allowance due to officials in category A or B shall be equal to 20% of their salary if they receive the household allowance or 16% if they do not receive it.
  - c. Officials in category A or B who, at the time of their appointment, were nationals of the country where they carry out their duties, shall be entitled to the expatriation allowance at the rates fixed in Article 25(6)(b) provided that at that time they had been continuously resident outside that country for at least ten years, no account being taken of previous service in the administration of the said country or in other international organisations.

### **Provisions applicable to officials appointed after 31 December 1995**

#### **7.**

- a.** An expatriation allowance shall be paid to officials in category A or B appointed after 31 December 1995 at the rates fixed in Article 25(7)(b), provided that, at the time of their appointment by the Organisation:
  - i.** they are not nationals of the country where they carry out their duties;
  - ii.** they had not been continuously resident in the country where they carry out their duties for at least one year, no account being taken of previous service in the administration of the country of which they are nationals or in other international organisations.
- b.** The rate of expatriation allowance shall be set:
  - I.** For officials entitled to the household allowance at:
    - i.** 18% of the reference salary for the first ten years of service;
    - ii.** 17% of the reference salary during the eleventh year of service;
    - iii.** 16% of the reference salary during the twelfth year of service;
    - iv.** 15% of the reference salary as of the thirteenth year of service.
  - II.** For officials not entitled to the household allowance:
    - i.** 14% of the reference salary for the first ten years of service;
    - ii.** 13% of the reference salary during the eleventh year of service;
    - iii.** 12% of the reference salary during the twelfth year of service;
    - iv.** 11% of the reference salary as of the thirteenth year of service.
- c.** The reference salary on the basis of which the expatriation allowance is calculated in accordance with Article 25(7)(b) shall be that for the first step in the grade held by the official.
- d.** In the event of an official being recruited by the Organisation immediately after having been employed in the country of duty by another international organisation or by the administration or armed forces of the country of which he is a national, the years of service with the previous employer shall be reckoned as years of service with the Organisation for the purpose of Article 25(7)(b).

### **Provisions applicable to officials appointed as of 1 January 2012**

#### **8.**

- a.** An expatriation allowance shall be paid to officials in category A or B appointed as of 1 January 2012 who, at the time of their appointment by the Organisation:
  - i.** are not nationals of the country where they carry out their duties;
  - ii.** had not been continuously resident in that country for at least one year, no account being taken of previous service in the administration of the country of which they are nationals or in other international organisations;
  - iii.** were appointed internationally from outside the country of duty;
  - iv.** were appointed from outside the local commuting area of their duty station.

- b.** The rate of the expatriation allowance shall be set at:
  - i.** 10% of the reference salary for the first five years of service;
  - ii.** 8% of the reference salary during the sixth year of service;
  - iii.** 6% of the reference salary during the seventh year of service;
  - iv.** 4% of the reference salary during the eighth year of service;
  - v.** 2% of the reference salary during the ninth year of service;
  - vi.** 0% of the reference salary as of the tenth year of service.
- c.** The reference salary on the basis of which the expatriation allowance is calculated, in accordance with paragraph (b) above, shall be that for the first step in the grade held by the official.
- d.** In the event an official is appointed by another international organisation or by the administration or armed forces of which the official is a national, the years of service with such previous employer will be taken into account for determining the rate of the expatriation allowance, in accordance with Article 25(8)(b).
- e.** In the event an official is reassigned to a new duty station and meets the eligibility criteria in respect of this duty station, the rate of the expatriation allowance shall be set at 10% in accordance with Article 25(8)(b)(i) and shall then be reduced in accordance with Article 25(8)(b)(ii) to (vi).
- f.** In the event an official is married to another official of the Organisation and they are both entitled to the expatriation allowance, they shall each receive an expatriation allowance at the rate corresponding to their respective years of service, as determined in accordance with Article 25(8)(b) to (e).
- g.** Verification of eligibility:
  - i.** Officials receiving the expatriation allowance shall notify the Organisation of any change in their place of residence.
  - ii.** Under special circumstances and for sound and sufficient reasons, exceptions to Article 25(8)(b)(i) may be made by the Secretary General.
- h.** The reduction of the rate of the expatriation allowance to 0% shall not disqualify the official for entitlement to the education allowance, the expatriated child allowance or home leave.

## **Instructions**

### **Instructions applicable to officials appointed after 31 December 1995**

**25.1** In order to determine whether the conditions of nationality and residence are met, in the case of successive appointments, the expression "appointment", for the purposes of Article 25(6) and (7) and Instruction 25.3 shall mean the first appointment of an official.

### **25.2**

- a.** For the official who is the spouse of:
  - i.** an official entitled to the expatriation allowance;
  - ii.** a former official who was entitled to the expatriation allowance;



- iii. a person who is not a national of the country of duty and who is working in that country in the service of the administration of the country of which he is a national of for another international organisation

the period of residence corresponding to the length of his spouse's service in the Organisation, or in the national administration, or in another international organisation, shall not be considered as residence in the country of duty for the purpose of Article 25(7)(b), except for the time during which the official has had gainful employment or activity.

### **Provisions applicable to officials appointed as of 1 January 2012**

#### **25.3**

- a. In order to determine whether the conditions of nationality and residence are met, in the case of successive appointments, the expression "appointment", for the purposes of Article 25(8)(a) shall mean the first appointment of an official.
- b. The "local commuting area" shall be defined as a radius of 100 kilometers from the duty station.
- c. In the event an official who has been entitled to the expatriation allowance is reassigned in a duty station where he does not meet the eligibility criteria in respect of this duty station, he shall cease to be entitled to the expatriation allowance.
- d. In the event an official who has not been entitled to the expatriation allowance is reassigned in a duty station where he meets the eligibility criteria in respect of this duty station, he shall be entitled to the expatriation allowance.
- e. In the event an official of another international organisation or a member of the administration or armed forces of the country of which he is a national is taking up duty without changing country, the provisions of Article 25(8)(a)(iii) and (iv) shall not apply.

### **Article 26**

#### **RELOCATION ALLOWANCE**

#### **1.**

- a. Officials of category A or B shall receive a relocation allowance to cover expenses related to installation from their habitual residence to their duty station, provided that:
  - i. their actual and habitual residence at the time of their appointment for a fixed term not less than 12 months, or their transfer for at least 12 months to a different duty station within the Organisation, is distant by more than 100 kilometres from their assigned duty station; and
  - ii. they moved their actual and habitual residence in order to take up duty within a radius of 100 kilometres from their assigned duty station.
- b. The basic amount of the relocation allowance will be fixed by the Organisation through a decision of the Secretary General, including for officials entitled to the expatriation allowance.
- c. The basic amount of the allowance shall be adjusted by the purchasing power parity applicable in the country of the duty station as it shall be provided for in the table provided by the ISRP and referred to in Annex 11 to the Staff Rules.

- d. Officials appointed for a fixed term not exceeding one year shall also be eligible for the relocation allowance if their appointment is renewed and the total duration of service under such fixed-term appointment exceeds one year. The relocation allowance shall only be paid after the completion of the first year of service.
- e. The Secretary General may deem this provision applicable to specially-qualified category C officials when he considers that they cannot be adequately selected and appointed from local resources.
- f.
  - i. Officials entitled to the relocation allowance who change geographical zone in order to settle their actual and habitual residence within a radius of 100 kilometres from their assigned duty station shall receive a supplement to the relocation allowance equal to 75% of the basic amount of the relocation allowance. The geographical zones shall be set as follows: EME (Europe and Middle East), Africa, Americas (North, Central and South America), Asia and Pacific (Far East and Pacific countries).
  - ii. Officials entitled to the relocation allowance as a result of their transfer for at least one year to another assigned duty station and whose new actual and habitual residence is therefore distant by more than 100 kilometres from their previous assigned duty station shall receive a supplement to the relocation allowance equal to 75% of the basic amount of the relocation allowance.
  - iii. The supplements referred to in Article 26(1)(f)(i) and (ii) shall not be granted in respect of the same relocation.
- g.
  - i. The basic amount of the relocation allowance shall be increased for officials whose dependants, within the meaning of the Staff Rules, take up the same actual and habitual residence. This amount shall be increased by:
    - 20% if a spouse, partner or first dependent child takes up the same actual and habitual residence as the official; and
    - an additional increase of 10% of the basic amount for any other dependant, within the meaning of the Staff Rules, taking up the same actual and habitual residence as the official.
  - ii. The relocation allowance, including any increase for dependants, shall not exceed the ceilings set in Annex 11 to the Staff Rules.
- h.
  - i. Officials who resign within the year following their appointment or their transfer to another assigned duty station shall repay the relocation allowance to the Organisation. For that purpose, the relocation allowance shall be considered as a monthly paid allowance and the officials concerned shall repay the amounts corresponding to the months remaining to reach 12 months.
  - ii. Officials shall not repay the relocation allowance in case of termination of the appointment within their first year of service or transfer, except in case of disciplinary dismissal and when they are re-appointed after the termination of their appointments.

## Instruction

**26.1** The officials referred to in Article 26(1)(a) shall provide the Head of Human Resources with the written justification of their actual change of residence and any supporting documents.

## **Article 27**

### **ACTING ALLOWANCE**

1. An official who is called upon to act for an official of a higher grade for a temporary, but continuous, period (acting official), shall be paid an acting allowance equal to twice the value of the difference between the first and second step in the acting official's grade.
2. The acting allowance shall be payable in respect of the period from the first day of the third month, up to the last day of the sixth month, following the date of the assignment; it may be renewed for further periods of six months by special decision of the Secretary General.

## **Article 28**

### **STAFF BENEFITS AND GRANTS**

1. Officials shall be entitled in accordance with the Staff Rules to:
  - a. benefits in case of sickness, maternity, work accident, invalidity or death;
  - b. benefits under the Pension Scheme.

#### **Instruction**

#### **The medical and social insurance system of the Organisation**

- 28.1 The Organisation has no medical insurance system of its own. Officials must make their own arrangements for health care insurance. The Organisation reimburses two-thirds of each staff member's individual health care insurance costs, to a maximum of 4% of the official's basic annual salary.
- 28.2 Officials who receive the household allowance, the child allowance, the handicapped child allowance, and / or the dependant's allowance under Articles 20, 21, 22, and 23, respectively, are entitled to two-thirds reimbursement of healthcare insurance costs for their dependants, provided that the cost for the official's and dependant's insurance does not exceed 4% of the official's basic annual salary.
- 28.3 Entitlement to reimbursement shall commence on the day of taking up duty, and shall cease on the day the official's appointment ends.
- 28.4 Reimbursement of the two-thirds costs is made on a bi-annual basis, based on the budgetary situation of the Organisation. Reimbursement is made following the presentation of a bill detailing the total health insurance costs to the Finance Office.
- 28.5 Officials are required to keep the Finance Office apprised as to changes related to health care insurance costs for themselves and their dependants.
- 28.6 The Organisation may decide to suspend all or some of the benefits to an official or to one of his dependants:
  - in the event of suspected fraud;
  - if an official or his dependant refuses to undergo a medical examination.
- 28.7 In the event of fraud or attempted fraud, the Organisation may decide to take one or more of the following actions:
  - suspension of the reimbursement to the official or his dependant;
  - disciplinary measures as provided in Article 42.

**28.8** In the event of fraud, the official shall reimburse the sums unduly received.

**Invalidity and death resulting from a work accident or not resulting from a work accident, occupational disease, and Pension Schemes**

**28.9** Officials shall notify the Head of Human Resources of any accident to himself or one of his dependants, irrespective of whether or not this accident was caused by a third party. He shall provide, where appropriate, all information needed to identify the persons involved and their insurers and regarding the circumstances of the accident, so as to enable the Organisation to exercise its rights vis-à-vis any third party who may be liable.

**28.10** Officials contribute 1.825% of their salary to a group insurance policy for invalidity and death. The terms and conditions of this policy are laid out in the current contract with the service provider included in Annex 14 to the Staff Rules.

**28.11** All officials shall be affiliated to the Pension Schemes and subject to the provisions of the Pension Scheme Rules or New Pension Scheme Rules as set out in Annex 6 and Annex 7, respectively, to the Staff Rules.

## **Article 29**

### **TRAVEL TO TAKE UP APPOINTMENT, LEAVE SERVICE, AND MISSIONS**

2. An official shall be entitled to reimbursement of expenses actually incurred by him on taking up appointment or leaving the service, and also to reimbursement of expenses incurred by him in the course of or in connection with the performance of his duties.
2. An official shall be entitled to the reimbursement of travel expenses actually incurred, in conformity with the following:
  - a. when taking up duty – for the journey from his place of residence to the headquarters of the Organisation;
  - b. when taking home leave as provided in Article 36 – for the return journey between the headquarters of the Organisation and his home;
  - c. when transferred to a regional office – for the journey from the headquarters of the Organisation to his new office;
  - d. on leaving the service of the Organisation – for the journey from the headquarters of the Organisation to the place where he resided at the time of taking up duty or to his new place of residence, as the case may be, provided that the journey actually takes place and the application for reimbursement is made within one year of leaving the service.
3. An official who receives the household allowance shall be entitled to reimbursement of travel expenses incurred in respect of his spouse, dependent children, and in exceptional cases, if determined by the Secretary General, having regard to the composition of the family, in respect of the person in charge of such children.
4. Travel expenses may be reimbursed for a person accompanying the dependent child(ren) of an official, as foreseen by Article 29(3), on provision of justifications, in the following cases:
  - a. an official has no spouse (civil status is widow(er), divorced, separated or single) and the person is accompanying:
    - i. at least two dependent children, both of whom are less than 12 years of age; or

- ii. a dependent child handicapped within the meaning of Article 22(2); or
- b. the spouse of an official is permanently incapacitated, at a level of invalidity of at least 80%, and the person is accompanying at least one dependent child less than 12 years of age; or
- c. a dependent child less than seven years of age is travelling, not in the company of a member of the family who is at least 18 years of age, and the accompanying person is provided by the hostess service of the air or rail company.

In all cases, reimbursement shall be limited to one accompanying person per authorised journey of the official and within the cost of the travel expenses of the official for the same journey.

- 5. Except when taking home leave, an official entitled to the reimbursement provided for in Article 29(2) shall be entitled, for travelling time in excess of 24 hours, to the allowance laid down in Article 29(12) and (14).
- 6. Where the appointment of an official subject to a probationary period is not confirmed, the Secretary General shall decide whether the Organisation shall pay the travel expenses occasioned by the termination of appointment.

### **Travel expenses**

- 7.
  - a. The Organisation shall reimburse travel expenses incurred by an official in respect of himself and the persons mentioned in Article 29(3) who are eligible for reimbursement according to Articles 24(6), 29(2), and 29(3) as follows:
    - i. the cost of transport, by the customary direct route and usual mode of transport as determined by the Secretary General;
    - ii. the cost of seat reservations; and
    - iii. excess luggage charges, except in the case of travel under Article 24(6) or Article 29(2)(b), in accordance with the Instructions of the Secretary General.
  - b. In the case of travel under Articles 24(6), 29(2) and 29(3), an official or a future official authorised to travel for the purpose of taking up duty may, instead of being reimbursed under Article 29(7)(a), obtain payment for himself and, where applicable, for his spouse and dependent children, of a lump sum of an amount determined in accordance with Instructions of the Secretary General and less than the cost of transport resulting from Article 29(7)(a)(i).

### **Removals**

- 8. Under conditions specified by the Secretary General, the Organisation shall pay the expenses incurred for the removal of an official's personal effects in the situations specified in Article 29(1), except for home leave.
- 9. The Organisation shall pay the removal expenses incurred by an official:
  - a. on taking up duty or on being transferred to another duty station, if the removal takes place within two years thereafter and in any case before notice is given of the termination of the appointment;
  - b. on leaving the service of the Organisation, if the removal takes place within two years thereafter.

### Duration of missions

10. The number of days spent on mission shall be calculated in periods of 24 hours from the hour of departure of the official to the hour of his return, it being understood that, in the case of a journey by train or boat, the mission shall begin one hour before the time of departure of the train or boat and, in the case of a journey by air, one hour and a half before the time of take-off. Likewise, such missions shall end respectively one hour after the time of arrival in the station or port and one hour and a half after landing at the airport.
11. Requests to extend official dates of travel for personal reasons must be submitted to the direct supervisor of the official concerned.

### Daily subsistence allowance

12. An official travelling on duty shall be entitled to a daily subsistence allowance at the rates provided by the OECD and set out in Annex 9 to the Staff Rules, in respect of the country or countries to be visited.
13.
  - a. No subsistence allowance shall be payable for periods of less than four hours.
  - b. Where the period of duty is four hours or more, but less than eight hours, the officials shall be entitled to one quarter of the daily allowance. The officials shall likewise be entitled to one quarter of the daily allowance in respect of any period of four hours or more and less than eight hours in excess of any complete period of 24 hours.
  - c. Where the period of duty is eight hours or more without hotel accommodation, the officials shall be entitled to one half of the daily allowance. The officials shall likewise be entitled to one half of the daily allowance in respect of any period of eight hours or more but less than 24 hours in excess of any complete period of 24 hours.
  - d. Where the period of duty is eight hours or more, but less than 24 hours, with hotel accommodation, the officials shall be entitled to the full daily allowance.
14. The allowance specified in Article 29(12) shall be reduced as follows:
  - a. in proportions to be determined by the Secretary General in each case where the official travelling on duty receives hospitality from the government or any other authority of the country visited;
  - b. by 15% for each main meal and by 50% for overnight accommodation provided in the fare where the Organisation pays fares for duty travel and those fares include provision for meals or overnight accommodation, and by 50% for overnight accommodation when the official cannot produce a hotel receipt.
15. The allowance specified in Article 29(12) shall be deemed to cover all the expenses liable to be incurred by an official travelling on duty, except expenses of the nature mentioned hereunder, for which additional reimbursement may be claimed:
  - a. postal, Internet access and use, as well as long-distance telephone expenses incurred for official purposes;
  - b. entertainment expenses especially authorised by the Secretary General;
  - c. exceptional and unforeseen expenses incurred under *force majeure* in the interests of the Organisation and resulting in disbursement out of reasonable proportion to the allowance provided.

- 16.** If under certain circumstances the expenditures for accommodation (bed, breakfast and taxes) exceed 60% of the daily subsistence allowance, the Secretary General has the discretion to reimburse the excess amount partially or totally on presentation of invoices and sufficient proof that the additional expenditures were unavoidable. This reimbursement should normally not exceed 30% of the daily subsistence allowance.

## **Instructions**

### **Reimbursement options**

**29.1** For travel pursuant to Article 24(6), 29(2) or 29(3), if an official, or a future official taking up duty, has chosen to be reimbursed according to Article 29(7)(a), the following conditions shall apply:

- a.** the tickets shall be purchased by the Organisation and provided to the official concerned;
- b.** in the case of a journey under Article 24(6) or Article 29(2)(a), (b) or (c), the official shall provide, within 30 days of completion of the journey:
  - i.** the counterfoils of the tickets used showing that the authorised journey has been made;
  - ii.** a statutory declaration that the authorised journey has been made.
- c.** If the official fails to submit the documents mentioned in Instruction 29.1(b) within 30 days, the cost of the tickets shall be deducted from his salary; if he does present the documents later, he will be reimbursed up to 80% of that amount.

### **29.2**

- a.** The lump sum specified in Article 29(7)(b), shall be equal to the applicable percentage as provided in Instruction 29.2(c) of a global amount calculated as follows:
  - i.**
    - where a direct air service exists, the price of a full economy-class fare by the cheapest regular flight to the airport closest to the destination; otherwise, the price of a train ticket of the highest class available; and
    - if necessary, the cost of a train ticket of the highest class available between the town corresponding to the airport of arrival and the town of final destination. If the cost of the train ticket is not known, the amount shall be determined on the basis of the kilometric allowance as provided in Annex 9 to the Staff Rules;
  - ii.** a lump sum equal to twice the amount of terminal expenses provided for under Annex 13, Article 16(a)(i), for a single journey and up to four times this amount for a return journey.
- b.** The following conditions shall apply:
  - i.** the official shall use the lump sum to make, or arrange for, the authorised journey(s) using any convenient method of travel, under his own responsibility;
  - ii.** the Organisation shall not reimburse any other transport or additional costs, even if they are the direct consequence of unforeseen and exceptional circumstances;

- iii. for a journey under Article 24(6), Article 29(2)(a), (b) or (c), or Article 29(4), the official shall submit within 30 days of completion of the journey(s) a statement on his honour that the authorised journey(s) has (have) been made and the date(s) of travel. If he fails to submit the statement within this time limit, the amount of the lump sum payment shall be deducted from his salary; if he does present the statement later, he shall be reimbursed up to 80% of that amount;
  - iv. the official shall retain proof of the purchase of his travel tickets for a period of two years from the end of the journey(s) made. During this period, the official may be requested to produce such proof;
  - v. the amount of the lump sum shall be determined at the date the official submits his travel application, which cannot be more than six months in advance of the official's journey (or, in the case of education travel, of the child's journey). The amount shall be paid to the official as early as possible thereafter;
  - vi. if the official's dependent children are entitled to a reduced air or train fare, the reduction shall be taken into account in calculating the lump sum;
  - vii. for a journey under Article 29(2)(a), the lump sum payment shall only be made once the official has taken up duty.
- c. The percentages applicable pursuant to paragraph (a) above shall be as follows:
  - i. 75% for travel between the duty station and destinations in zone 1;
  - ii. 65% for travel between the duty station and destinations in zone 2;
  - iii. 55% for travel between the duty station and destinations in zone 3.

### **Excess luggage**

**29.3** Excess luggage shall be considered to be any luggage not carried free of charge by the transportation companies.

**29.4** Charges for luggage up to the limits specified below shall be reimbursed only when authorisation has been obtained prior to a statutory travel provided for in Articles 24(6), 29(2) or 29(3) and on production of receipts:

- a. when an official travels by air, his excess luggage charges and those of his family shall be reimbursed up to the amount of the difference between the luggage allowance for first class and that for economy class or equivalent;
- b. when an official travels by train or boat, the costs by surface or sea transport of his personal luggage shall be reimbursed as follows:
  - i. 90 kg (200 lb.) for each full-fare ticket;
  - ii. 45 kg (100 lb.) for each half-fare ticket;
  - iii. 50 kg (110 lb.) for each child.

### **Mode and class of travel**

#### **29.5**

- a. The normal mode of travel shall be by air to the airport closest to the destination, or by train if more convenient.



- b. The mode of travel selected shall be the most cost-effective and economical option for reaching the destination, taking into account safety, time and convenience for officials concerned. The Secretary General may authorise the use of other appropriate means of transportation. Transportation or additional stop-over costs to locations that the official may wish to visit for personal reasons in conjunction with a mission are at the expense of the official concerned.
- c. Award miles can be accumulated if doing so does not result in higher ticket price.
- d. Any difference in cost resulting from a deviation of the rules as stated above will be the responsibility of the official.

### **Air travel**

**29.6** When travel by air is authorised pursuant to Article 24(6), 29(2) or 29(3), an official or a future official travelling for the purposes of taking up duty, shall be provided by the Organisation with air tickets, giving entitlement to a seat, under the following conditions:

- a. wherever possible, the ticket issued shall be at a price of an economy class fare for the customary direct route, provided that it entitles the holder to a seat in economy class conditions; the Organisation shall bear the cost of any fare increase resulting from a change in travel dates, duly justified by the official and on grounds duly approved by the Head of Human Resources;
- b. otherwise, a full economy class air ticket for the customary direct route shall be provided; the ticket shall be neither refundable nor exchangeable, except for some unforeseen and exceptional event (sickness, accident, etc.) beyond the official's control and duly recognised as such by the Head of Human Resources;
- c. the ticket shall not provide entitlement to stop-overs, except for flights lasting more than nine hours.

**29.7** An official, when travelling by air for the purpose of a mission, shall be entitled to reimbursement of the price of his ticket in economy class. In exceptional cases and when it is relevant, the Secretary General, in consultation with the direct supervisor of the official concerned, may grant the authorisation to purchase business class tickets when:

- a. the time of the flight exceeds at least nine hours of continuous flight; or
- b. a multi-leg flight that exceeds 11 hours.

### **Rail travel**

**29.8** An official, when travel by rail is authorised pursuant to Article 24(6), 29(2) or 29(3), shall be entitled to reimbursement of the price of a ticket of the highest class, less any fare reduction to which he is entitled and which he must declare.

**29.9** Where an official's child under four years of age is travelling by rail and, by reason of the number of people on the train, the payment of a 50% fare is requested by the ticket-collector in respect of that child, the official shall be entitled to the reimbursement of the cost of the 50% fare. Payment shall be made after the event on sight of the ticket-collector's receipt.

**29.10** The sleeping-car supplement shall be reimbursed for travel involving a night journey of six hours or more.

**29.11** Officials shall be entitled to the reimbursement of a sleeping-car supplement as follows:

- a. Grades A7, A6, A5: 1<sup>st</sup>-class "single" sleepers;
- b. Grades A4, A3, A2, A1 and A0: "special" sleepers or 1<sup>st</sup>-class "single" sleepers;
- c. Categories B and C: 1<sup>st</sup>-class "double" sleepers.

**29.12** Where several members of one family are travelling together by sleeper, the Head of Human Resources may require double-berth sleepers to be used.

### **Removals**

**29.13** Within the limit of a cost ceiling set for the official by the Head of Human Resources, the Organisation shall pay the costs actually incurred for removal of the official's personal effects to or from the duty station and for insurance costs associated with that removal.

**29.14** In exceptional cases, the Head of Human Resources may authorise payment, subject to the cost ceiling set for the official, of expenses incurred for the removal and storage of all or part of an official's personal effects to elsewhere than the duty station, if the Head of Human Resources considers that these expenses and the removal expenses for the personal effects shipped to the duty station do not exceed the expenses that would have been paid for the removal of all personal effects to the duty station.

**29.15** The Organisation shall not pay import taxes levied on personal effects.

**29.16** The ceilings set by the Head of Human Resources shall take into account the official's family situation at the time of the removal, and the average costs of removal and associated insurance between the geographical zones of the destination and point of origin. The volume serving as the basis for the calculation of the ceiling is:

- a. 40m<sup>3</sup> for officials who receive the household allowance, that volume being increased by 5m<sup>3</sup> for each child recognised as dependent within the meaning of Article 21(2); and
- b. 30m<sup>3</sup> for officials who do not receive the household allowance.

**29.17** The removal and associated insurance expenses of officials on loan to the Organisation from another employer for a period of less than one year shall not be paid by the Organisation. For officials on loan for a period of one year or more, removal and associated insurance expenses shall be paid by the Organisation in an amount not exceeding 50% of the applicable cost ceiling.

### **Missions**

**29.18** Travel undertaken by officials on behalf of the Organisation in support of its work programme or other official purposes, hereinafter referred to either as "travel on duty" or as "missions", are governed by the provisions in Annex 13.

## **Article 30**

### **TRANSFER AND CURRENCY OF PAYMENT OF EMOLUMENTS**

The salaries, allowances and benefits due to an official, shall be paid by bank transfer in the currency of the Netherlands. Nevertheless, officials in regional offices may be paid by bank transfer in the currency of the country of duty, within the limits and under the conditions determined by the Secretary General.

### **Instruction**

**30.1** All payments shall be made by bank transfer no later than the end of each month.

**Article 31****ADJUSTMENT OF EMOLUMENTS**

The level of the emoluments of the officials of the Organisation shall be periodically adjusted.

**TITLE V:****GENERAL OBLIGATIONS****WORKING CONDITIONS****Article 32****WORKING HOURS**

1. The normal working hours for officials shall be determined by the Secretary General, who shall also decide on what conditions officials may be employed part-time.
2. The normal working hours for officials shall be 40 hours per week.

**Part-time employment**

3.
  - a. The Secretary General may, depending on the requirements of the service:
    - i. transform the appointment of an official, either at his initiative or with his agreement, from a full-time to a part-time basis;
    - ii. recruit part-time officials.
  - b. At his request, and subject to reasonable notice to the Organisation, any official shall be entitled to work part-time when he has:
    - i. a dependent child under the age of three;
    - ii. a child placed with him within less than three years, for adoption, until the end of the three-year period; or
    - iii. a child, spouse, recognised partner, cohabitant or forbearer whose health is seriously deficient and necessitates the routine presence of another person, as duly certified by a doctor, for a cumulative maximum period of three years during his whole period of service within the Organisation.
  - c. The working hours of an official working part-time shall be between 50% and 90% of the normal working hours (adjusted working hours).
  - d. An official working part-time shall receive a salary corresponding to the ratio of his adjusted working hours, determined in accordance with Article 32(3), to the normal working hours. Subject to the Pension Schemes, he shall receive the allowances and benefits to which he is entitled in the same proportion, with the exception of:
    - i. benefits paid in case of sickness, maternity, work accident, invalidity or death, as well as the benefits and allowances for a handicapped child, which may be received in full under the conditions laid down by instruction of the Secretary General; and
    - ii. benefits and allowances expressed as a percentage of salary.

- e. Hours worked for the requirements of the service in excess of the working hours of an official working part-time shall be considered as complementary hours, provided they do not exceed the normal working hours laid down under Article 32(2) and are not worked on a Saturday, Sunday or public holiday, in which case they shall be considered as overtime and subject to the provisions of Article 33.
- f. Complementary hours worked by B and C grade staff working part-time shall entitle them to an equivalent number of hours of compensatory leave.
- g. Complementary hours and overtime worked by A grade staff working part-time shall carry no right to compensatory leave or compensatory payment. However, if staff of this grade are called upon to work complementary hours or overtime in very exceptional circumstances, especially if they are repeatedly required to work substantially longer hours than their part-time working hours, the Secretary General may grant them, at his discretion, within the following three months, compensatory leave which in no case should exceed the number of complementary hours or overtime worked.

### **Instructions**

- 32.1** To reach normal working hours, officials shall work eight hours a day, Monday to Friday (working days).
- 32.2** The core working hours during working days shall be 10.00 a.m. to 12.00 p.m. and 2.00 p.m. to 4.00 p.m.

### **Reintegration of officials**

- 32.3** Following a period of sick leave, maternity leave, or non-activity for reasons of illness, and where so advised by their medical practitioner, the Head of Human Resources may authorise an official to resume his duties according to a reintegration plan. The normal working hours, and the working days, may be adjusted, in line with the reintegration plan.

### **Unauthorised and unexplained absences**

- 32.4** Unauthorised and unexplained absence constitute misconduct for the purpose of Article 42. Repeated or continued cases, a contravention of these Articles constitutes serious misconduct for the purpose of Article 42.

## **Article 33**

### **OVERTIME**

- 1.** When an official is required to work overtime, he shall be entitled to compensation according to the conditions set out by this Article.
- 2.** Hours worked in excess of normal working hours, or on a Saturday, Sunday or public holiday, shall be considered as overtime provided prior authorisation has been given and the reasonable extra working hours have been established by the supervisor concerned.
- 3.** Overtime worked by A grade staff shall carry no right to compensatory leave or compensatory payment. However, if staff of this grade are called upon to work overtime in very exceptional circumstances, especially if they are repeatedly required to work substantially longer hours than their working hours, the Secretary General may grant them, at his discretion, within the following three months, compensatory leave which in no case should exceed the number of hours of overtime worked.

- 4.
- a. Overtime worked by B and C grade staff shall entitle them to corresponding compensatory leave increased according to the rates given in the table below:

**APPLICABLE OVERTIME RATES FOR B AND C GRADE STAFF**

	<b>Overtime</b>	<b>Rate of increase</b>
Weekday	first 13 hours' overtime in the month	33 1/3%
	from 14 to 30 hours of overtime in the month	50%
Weekday night	from 10.00 p.m. to 7.00 a.m.	66 2/3%
Saturday, Sunday and public holidays	from 7.00 a.m. to 10.00 p.m.	66 2/3%
	from 10.00 p.m. to 7.00 a.m.	100%

- b. However, when, owing to the exigencies of the service, compensation cannot be granted in full in the form of compensatory leave to B and C grade staff they shall be entitled to a compensatory payment on the express condition that at least 20% of the compensation takes the form of compensatory leave. This condition may exceptionally be waived by express decision of the Secretary General in the case of officials who stand in for unexpectedly absent staff members of a continuous service unit, or of officials whose overtime is due to the fact that their functions require availability throughout the day, on condition that this does not adversely affect the safety of the service or the health of the officials concerned.
- c. In the event of a compensatory payment, the calculation shall be based on the official's basic salary to which he was entitled on the date the overtime was performed. Such payment shall be made with the emoluments for the month after the one in which the overtime was worked.
- d. Subject to the provisions of Article 33(4)(b), compensatory leave shall be taken before the end of the month of March in the year following that in which the overtime was worked.

**Article 34**

**PUBLIC HOLIDAYS**

The public holidays to which an official shall be entitled, shall be determined in accordance with local practice.

**Instructions**

- 34.1** The public holidays to be observed by the Organisation shall be announced by a decision of the Secretary General. Where the needs of the Permanent Bureau require that officials work on a public holiday, another day shall be granted in lieu of the public holiday.
- 34.2** The public holidays to be observed by the regional offices shall also be announced by a decision of the Secretary General.

## **Article 35**

### **ANNUAL LEAVE**

An official shall be entitled to paid annual leave at the rate of two and a half working days for each month of service completed.

#### **Instructions**

- 35.1** Authorisation to take annual leave shall be given by the higher official supervising the official concerned.
- 35.2** The entitlement of staff to annual leave in respect of the calendar year shall be calculated based on their appointment and thereafter at the beginning of each year.
- 35.3** Part-time officials are entitled to a *pro rata* share of annual leave.
- 35.4** Annual leave shall normally be taken by 31 March of the year after which it is earned. A maximum of ten days' unused annual leave may however be carried forward beyond 31 March from one year to the next.
- 35.5** An official whose annual leave balance is positive upon termination of employment is entitled to receive a monetary compensation for a maximum of ten days, with the remaining leave days to be taken before the date of termination of the contract. An official whose annual leave balance is negative upon termination of employment shall repay to the Organisation the emoluments paid for the corresponding period.
- 35.6** When sickness of more than five working days in any seven consecutive-day period occurs while an official is on annual leave, upon approval by the Organisation and subject to adequate medical certification, the leave may be recorded as sick leave for the days the employee was sick.

## **Article 36**

### **HOME LEAVE**

- 1.** Officials who are entitled to the expatriation allowance pursuant to Article 25 shall be entitled to eight days of supplementary leave, once every two years, for the purpose of visiting their homes. Travel expenses in respect of home leave shall be reimbursed to the officials concerned.
- 2.** Where the time taken by officials to travel from their duty station to their home, and back again, by a direct route and means approved by the Secretary General exceeds 12 hours, it shall not be included in the eight days of home leave granted.

#### **Instructions**

- 36.1** One period of home leave shall accrue in respect of each entire period of 24 months' service. Subject to the exigencies of work, home leave may be taken not earlier than six months before, and not later than 12 months after, the date on which it accrues. Any home leave not taken within 12 months after the date on which it accrues shall be forfeited.
- 36.2** The dates at which home leave may be taken shall be determined in the same way as for annual leave. The fact that the date of home leave is advanced or delayed shall not affect the date when the next ensuing period of home leave accrues.
- 36.3** Part-time officials are entitled to a *pro rata* share of home leave.

- 36.4** No home leave shall be granted within a period of four months before the date when the appointment of an official is due to end. Where officials have taken home leave in advance and their appointment terminates by resignation before the date at which home leave accrues they shall repay the Organisation a sum corresponding to their emoluments for eight days.
- 36.5** The home of officials shall be that place with which they have the strongest ties outside the country of the permanent duty station. This place shall be determined by having regard to the place of residence of the officials' family, the place of their upbringing and to any place where they may possess property.

### **Article 37**

#### **SICK LEAVE**

Officials shall be entitled to paid sick leave of up to four months during any one year of service, but not more than four consecutive months, on producing a medical certificate recognised by the Secretary General.

#### **Instructions**

##### **General provisions**

- 37.1** An official unable to attend work due to sickness or accident, shall inform his direct superior thereof by the fastest available means as soon as practically possible.

##### **Uncertified sick leave**

##### **37.2**

- a. If an official is unable to attend work due to sickness or accident for less than four consecutive working days, he shall not be required to produce a medical certificate unless and until his total uncertified sick leave in any one calendar year exceeds nine working days. These nine working days shall be included in the four months of paid sick leave.
- b. However, any absence owing to a work accident and any absence owing to sickness or accident which immediately precedes or follows a period of annual leave under Article 35 must be justified by a medical certificate, regardless of the length of such absence.

##### **Certified sick leave**

##### **37.3**

- a. If an official is unable to attend work due to sickness or accident, and his absence is not covered by Instruction 37.2(a), he shall send to the Head of Human Resources the original of the medical certificate prescribing the absence from work, and specifying the probable duration of the absence, within 48 hours of stopping work, save in cases of *force majeure*.
- b. When sickness of more than five working days in any seven-day period occurs while an official is on annual leave, sick leave may be approved subject to appropriate medical certification.

- 37.4** Officials on sick leave may be required to undergo a medical examination by a medical practitioner designated by the Organisation. Such officials are obliged to comply with their doctor's instructions regarding the hours during which they may go out, and to inform the Head of Human Resources of the address where they may be contacted at other times, should this address not be their domicile.

**37.5** If an official is unable to attend work due to sickness or accident, and he does not produce the medical certificate required under Instruction 37.3(a), he shall forfeit annual leave entitlement equal to the number of days of uncertified absence, or, if he has exhausted his entitlement to annual leave, shall forfeit his entitlement to salary for the same period.

**37.6**

- a. If an official is unable to attend work due to a work accident, or for more than 30 consecutive days due to sickness or accident, shall be examined by a medical practitioner designated by the Organisation. The examination must take place before the official returns to work.
- b. Any official who has been declared temporarily unfit for work by a medical practitioner designated by the Organisation shall not resume work until he has been examined and declared fit for work by a medical practitioner designated by the Organisation.

**Expiry of sick leave**

**37.7** If an official is medically unfit for returning to duty on the expiry of his sick leave, he shall be placed on non-active status in accordance with Article 17.

**Benefits**

**37.8** During sick leave, an official shall be entitled to the benefits specified in Article 28(1)(a).

**Medical examination**

**37.9** Any official may at any time be required to undergo a medical examination by a medical practitioner designated by the Organisation, and may as a consequence be required to take sick leave in the interests of his health.

**Dispensation from service on health grounds**

**37.10** When an official has been exposed, or has reason to believe he has been exposed, to a serious infectious or contagious disease, he shall inform the Organisation and provide relevant documentation as required. On the advice of a medical practitioner designated by the Organisation, the Head of Human Resources may require the official not to report to work, but to be otherwise available for work from a remote location or otherwise.

**Article 38**

**MATERNITY, PATERNITY AND ADOPTION LEAVE**

The Secretary General shall provide for paid maternity, paternity and adoption leave.

**Instructions**

**I. Maternity leave**

**Duration of maternity leave**

**38.1**

- a. On the basis of a medical certificate stating the date of confinement, an expectant mother shall be entitled to maternity leave on full pay (maternity leave), beginning not more than six weeks before the date of confinement stated on the medical certificate, and ending up to ten weeks after the date of birth.



- b. Except for the cases referred to in Instruction 38.1(c) and (d), when an expectant mother has already had two live births, or she or the household already has at least two dependent children under age 20 living in the household, the maternity leave shall be extended to up to eight weeks before the date of confinement stated on the medical certificate, and up to 18 weeks after the date of birth.
- c. Where twins are expected, the maternity leave shall be increased to up to 12 weeks prior to the date of confinement stated in the medical certificate, and up to 22 weeks after the date of birth.
- d. Where triplets or more children are expected, the maternity leave shall be increased to up to 24 weeks prior to the date of confinement stated in the medical certificate, and to up to 22 weeks after the date of birth.

### **38.2**

- a. Except for the case referred to in Instruction 38.2(c), where the date of birth occurs before the date of confinement stated in the medical certificate, the total period of maternity leave to which the official is entitled under Instruction 38.1 shall not be affected.
- b. Where the date of birth occurs more than six weeks before the date of confinement stated in the medical certificate, and the child requires the post-natal hospitalisation, the maternity leave shall be increased by the number of days running from the date of birth to the beginning of the maternity leave provided for under Instruction 38.1.
- c. Where the date of birth occurs after the date of confinement stated in the medical certificate, the period of leave after confinement to which the official is entitled under Instruction 38.1 shall not thereby be affected.

### **Practical leave arrangements**

**38.3** Without the total duration of maternity leave thereby being affected, leave prior to the date of confinement as stated in the medical certificate, or subsequent to the date of birth, may vary on the conditions described below.

- a. An expectant mother may apply to the Head of Human Resources an increase in maternity leave (increased maternity leave) prior to the date of confinement as stated in the medical certificate. Such increased maternity leave shall be of a maximum duration of:
  - i. two weeks when an expectant mother has already had two live births or she or the household already has at least two dependent children under age 20 living in the household, as referred to in Instruction 38.1(b);
  - ii. four weeks, where twins are expected, as referred to in Instruction 38.1 (c).

If increased maternity leave is granted, then the maternity leave after the date of birth shall be reduced accordingly.

- b. If the expectant mother's doctor provides a favourable opinion, she may apply to the Head of Human Resources to receive a reduction of the maternity leave prior to the date of confinement stated in the medical certificate. The reduction may be a maximum of three weeks. In such cases, the period of maternity leave after the date of birth shall be increased accordingly. However, should an expectant mother be given a prescription to stop work during the period prior to the date of confinement as stated in the medical certificate, and in relation to which she has requested a reduction, such reduction shall be annulled, and the maternity leave shall commence on the first day of stopping work.
- c. When, after the sixth week after the date of birth, the child is still in hospital, the mother may return to work and obtain on request the postponement until the end of her child's hospitalisation of the amount of leave to which she is still entitled.

## **Return to work**

- 38.4** An official who has been on maternity leave, or whose leave has been interrupted in accordance with Instruction 38.3(c), shall report to the Head of Human Resources before resuming her duties. Any medically authorised extension of the foregoing maternity leave shall be regarded as sick leave under the provisions of Article 37.

## **II. Paternity leave**

- 38.5** Following the birth of his child or children, an official shall be entitled to non-fractionable paternity leave of 14 calendar days in the event of a single birth, and 21 calendar days in the event of a multiple birth. This leave must be taken within four months of the birth or it will be forfeited. An official who who adopted a child may also take paternity leave following the adoption of the child. Such leave may not, however, be cumulated with the adoption leave referred to in Instruction 38.6.

## **III. Adoption leave**

- 38.6** An official with whom a child is placed for adoption by an adoption service recognised by the legislation of the headquarters' State shall be entitled to ten weeks' leave on full pay, or 22 weeks' leave on full pay in the event of a multiple adoption, starting from the date of the child's (or children's) arrival in his home.

## **Article 39**

### **EXCEPTIONAL PAID LEAVE**

The Secretary General may grant exceptional paid leave up to a maximum of eight days a year.

## **Instructions**

### **General provisions**

- 39.1** Exceptional paid leave may be granted for urgent private matters or compassionate reasons, the dates and the actual number of days being determined at the discretion of the Secretary General.
- 39.2** An official who has served with the Organisation for 20 or 30 years shall be entitled to an exceptional paid leave, of three or five days respectively per annum.
- 39.3** The entitlement to the exceptional paid leave provided for in Instruction 39.2 becomes due as from the date on which the official has served with the Organisation for 20 or 30 years. However, as from the year during which the official reaches 20 or 30 years' service, this entitlement is granted in advance on 1 January of each year and the leave is to be taken before 31 December of the same year. When the appointment of an official ends before the date on which he reaches 20 or 30 years' service with the Organisation, or before the anniversary date, and when the official has already taken such exceptional paid leave, he shall repay to the Organisation the emoluments paid for the corresponding period.

### **Article 40**

#### **UNPAID LEAVE FOR PRIVATE REASONS**

1. The Secretary General may grant unpaid leave for urgent or private reasons.
2. During periods of unpaid leave for urgent or private reasons the official shall not receive any remuneration from the Organisation, but these periods shall give entitlement to benefits in case of sickness, accident, disablement or death, and to application of the Instructions of the Pension Scheme, provided the official continues to pay his share of the required contributions; these contributions shall be based on the salary pertaining to the grade and step of the official.

#### **Instructions**

- 40.1** An official may be requested to exhaust his accrued annual leave before being granted unpaid leave for urgent or private reasons.
- 40.2** Unpaid leave for urgent or private reasons may be granted by the Secretary General, after consultation with the superior of the official concerned, for reasons not falling within the provisions of the Staff Rules. Such leave may not exceed four months.
- 40.3** Account shall be taken of periods of unpaid leave for urgent or private reasons in respect of the accrual of service credits towards annual leave, home leave, or advancement. Such periods shall give entitlement to sick leave and maternity leave. The official shall remain assigned to his functions.

### **Article 41**

#### **UNPAID TRAINING LEAVE**

1. The Secretary General may grant unpaid training leave for short-term or long-term periods.
2. During periods of unpaid training leave, the official shall not receive any remuneration nor any daily subsistence allowance from the Organisation, but these periods shall be deemed to be periods of service performed at the place where the official is carrying out his studies or research, and they shall give entitlement to benefits in case of sickness, accident, disablement or death, and to application of the Pension Schemes, provided the official continues to pay his share of the required contributions; these contributions shall be based on the official's salary.
3. In case of long-term unpaid training leave, the official may be required to remain in service with the Organisation upon the expiry of such leave for a period which may not exceed two years (period of required service). When assessing the period of required service shall have, the number of years of service, and the age of the official, and the duration of the leave granted, must be taken into consideration. Should the official voluntarily leave the service of the Organisation during the long-term unpaid training leave, or before the expiry of the period of required service, the Organisation may withhold any benefit due to the official, or to those entitled through him, and all or part of the financial obligations borne by the Organisation for the official in respect of such leave.

#### **Instructions**

- 41.1** An official may be requested to exhaust his accrued annual leave before being granted unpaid training leave.

### **Short-term unpaid training leave**

- 41.2** Short-term unpaid training leave may be granted by the Secretary General, after consultation with the supervisor of the official, to enable the official to carry out advanced study or research deemed to be in the interests of the Organisation. Short-term unpaid training leave may not exceed two months.
- 41.3** Account shall be taken of short-term unpaid training leave with respect to the accrual of service credits towards annual leave, home leave or advancement. Short-term unpaid training leave shall give entitlement to sick leave and maternity leave. The official shall remain assigned to his functions.

### **Long-term unpaid training leave**

- 41.4** Long-term unpaid training leave may be granted by the Secretary General, after consultation with the supervisor of the official, to enable an official to carry out advanced study or research deemed to be in the interests of the Organisation. Only officials having completed at least five years' service may apply for such leave. Long-term unpaid training leave is granted for a maximum period of one year, renewable twice.
- 41.5** No account shall be taken of long-term unpaid training leave with respect to the accrual of service credits towards annual leave, home leave or advancement. Long-term unpaid training leave shall not give entitlement to sick leave or maternity leave. Upon the expiry of such leave, the functions previously assigned to the official or functions corresponding to his qualifications and experience shall be assigned to him.

## **Article 42**

### **DISCIPLINE AND CIVIL LIABILITY**

1. The Secretary General may impose appropriate disciplinary measures against officials if he determines that the official engaged in misconduct or serious misconduct.
2. The Secretary General can impose the following disciplinary measures:
  - a. for misconduct:
    - i. a written reprimand; and
    - ii. suspension without pay for a period of no more than five days.
  - b. for serious misconduct:
    - i. suspension without pay for a period of more than five days; and
    - ii. dismissal with or without notice, including a dismissal with the removal of benefits accruing under Article 28(1)(b).
3. If an official's serious misconduct causes material damage to the Organisation, the Secretary General may deduct commensurate compensation for that damage from any sums owed to the official, including salary, pension, allowances or benefits.
4. Before the Secretary General imposes any disciplinary measures for misconduct or serious misconduct, the official must be afforded due process.
5. The Secretary General's decision to impose disciplinary measures shall be reviewable, and an appeal may be submitted to the Secretary General.

6. If an allegation of misconduct or serious misconduct is made against the Secretary General, or a former Secretary General, the Head of Human Resources shall brief the President of the Netherlands Standing Government Committee on Private International Law. The President shall discuss the allegation with the Chair of the Council on General Affairs and Policy in order to decide on suitable further actions.

## **Instructions**

### **Conduct that may be considered misconduct or serious misconduct**

**42.1** An official engages in misconduct or serious misconduct if he:

- a. fails to comply with the terms of his appointment, or with any other obligation that exists under the Staff Rules or any other administrative act, any applicable national law or any international standard, whether by act or omission; and
- b. knowingly made false statements in the application for employment to the Organisation.

### **Procedure for disciplinary cases against officials other than the Secretary General**

**42.2** If a person becomes aware of an official's conduct that may constitute misconduct or serious misconduct (objected conduct), he shall report this objected conduct to the official's supervisor.

**42.3** When an official's supervisor becomes aware of that official's objected conduct, including in the form of a report under Instruction 42.2, the supervisor must assess the objected conduct, including by consulting with the Head of Human Resources or the alternative official.

**42.4** If the supervisor, including after consulting with the Head of Human Resources or the alternative official, reasonably considers that the objected conduct is unlikely to be sufficient to warrant the imposition of disciplinary measures, the supervisor shall:

- a. discuss the objected conduct with the official;
- b. if necessary, assist the official to remedy the situation caused by the objected conduct;
- c. warn the official that a failure to remedy, or a repeated or continued objected conduct may result in the objected conduct becoming subject to disciplinary measures; and
- d. notify in writing the Head of Human Resources or the alternative official, outlining the circumstances and confirming that the steps in Instruction 42.4(a) to (c) have been taken. The notification is not a reference under Instruction 42.5. or 42.6.

**42.5** If the official fails to remedy the situation, or he repeats or continues the objected conduct, the supervisor shall refer the matter to the Head of Human Resources or the alternative official. The Head of Human Resources or the alternative official will proceed in accordance with Instruction 42.7.

**42.6** If the supervisor, including after consulting with the Head of Human Resources or the alternative official considers the objected conduct likely to be sufficient to warrant the imposition of disciplinary measures, then the supervisor will refer the matter to the Head of Human Resources or the alternative official. The Head of Human Resources or the alternative official will proceed in accordance with Instruction 42.7.

**42.7** If the Head of Human Resources or the alternative official considers that:

- a. no disciplinary action should be taken, then the Head of Human Resources or the alternative official shall:
  - i. inform the official of the decision;
  - ii. record the reasons why disciplinary action is not taken;
  - iii. place these reasons on the official's file; and
  - iv. provide the official with a copy of the decision and the reasons;
- b. disciplinary action should be taken, then the Head of Human Resources or the alternative official shall:
  - i. inform the official that he will recommend that the Secretary General commences disciplinary action against the official, and which disciplinary measure he will recommend. He must also inform the official of the right to seek assistance;
  - ii. prepare for the Secretary General a confidential memorandum that:
    - 1. describes the objected conduct;
    - 2. provides an assessment of the facts as submitted, including against Instruction 42.1;
    - 3. provides an assessment of the seriousness of the objected conduct;
    - 4. recommends the commencement of disciplinary action;
    - 5. suggests an appropriate disciplinary measure; and
  - iii. submit to the Secretary General the confidential memorandum without reasonable delay.

**42.8** To prepare the confidential memorandum, the Head of Human Resources or the alternative official may, if necessary, further consult with the official's supervisor and with the official. If such further consultation remains inconclusive, the Head of Human Resources or the alternative official can recommend that the Secretary General may decide to open an Investigation as per Annex 1. If an Investigation is commenced, the resulting report prepared in accordance with Annex 1, shall constitute an integral part of the confidential memorandum.

**42.9** Upon receipt of the confidential memorandum, and before making a final decision, the Secretary General:

- a. shall consider the confidential memorandum;
- b. may ask the Head of Human Resources or the alternative official for any clarification concerning the confidential memorandum; and
- c. shall establish an advisory committee in accordance with Instructions 42.14 to 42.16, if the Head of Human Resources or the alternative official suggests as the appropriate disciplinary measure the official's dismissal, with or without notice, together with the removal of benefits accruing under Article 28(1)(b).

**42.10** A copy of the confidential memorandum must be provided to the official, either by hand delivery or by registered mail to the official's residential address. The official may, within 15 days of having received a copy of the confidential report:

- a. submit to the Head of Human Resources or the alternative official a reply. Upon receipt, a copy of the reply shall be sent to the Secretary General without reasonable delay; or
- b. request that the confidential memorandum is examined by the advisory committee. The advisory committee shall be established in accordance with Instructions 42.14 to 42.16. The official must submit the request by hand delivery or registered mail to the Organisation's official mailing address; or

- c. apply to the Head of Human Resources or the alternative official to seek the extension of the period of time within which to submit the reply, or to request the examination of the confidential memorandum.

**42.11** Within 15 days of having received the official's reply, or of having received the appropriate advisory committee's examination report, and based on the confidential memorandum, and, where applicable, the advisory committee's examination report, the Secretary General shall decide on the imposition of an appropriate disciplinary measure. This shall include the decision not to impose such a measure.

**42.12** The Secretary General shall notify the official of his decision in writing and with reasons. He shall also provide the official with a copy of the reasoned decision, and cause a further copy of the reasoned decision to be placed on the official's file. The official's supervisor is to be informed of the decision, but no reasons need to be provided.

### **Proportionality of disciplinary measures**

**42.13** A disciplinary measure imposed by the Secretary General must not be manifestly disproportionate to the objected conduct.

### **Advisory committee**

**42.14** The Secretary General shall establish an advisory committee if:

- a. the official requests the examination of the confidential memorandum under Instruction 42.10(b); or
- b. the Secretary General considers under Instruction 42.9(c), the official's dismissal for serious misconduct, together with the removal of benefits accruing under Article 28(1)(b) (Article 42(2)(b)(ii)).

**42.15** The advisory committee shall be appointed by the Secretary General's Office. It shall comprise a chairman and four members.

**42.16** The chairman shall not be a current or past official of the Organisation, and shall possess legal qualifications of the highest order. The members may be current or past officials and may possess qualifications of the highest order relevant to discharging their functions.

## **Article 43**

### **MEDIATION**

The Organisation shall provide for a mediation mechanism as a trusted channel for dialogue between officials and between officials and management within the Organisation. The aim of mediation is to facilitate the amicable settlement of individual disputes and relational conflicts.

### **Instructions**

#### **Appointment**

**43.1** The Secretary General shall:

- a. draw up a list containing the names of at least four mediators, for submission to the Secretary General's Office as set out in Annex 4 to the Staff Rules;
- b. appoint two mediators, after consultation with the Secretary General's Office on the persons contained in the above-mentioned list.

## Conditions of appointment

**43.2** The persons referred to in Instruction 43.1(a) above:

- a. must have been trained in, or have recognised professional experience of, the amicable settlement of disputes between employers and employees, and relational conflicts within a company or a national or international administration;
- b. must speak at least one of the official languages of the Organisation and have knowledge of the other one; and
- c. may not be, or have been, employed by the Organisation.

## Duration and renewal of the term of office

**43.3** The term of office of a mediator:

- a. shall be two years, renewable once for a period of two years, after consultation with the Secretary General's Office as set out in Annex 4 to the Staff Rules; and
- b. may be extended pending the appointment of a successor to an incumbent mediator.

**43.4** In the event of a mediator's death or resignation during his two-year term, the Secretary General shall appoint a replacement to serve for the remainder of the term of office of his predecessor.

## Mandate

**43.5** The mediator shall:

- a. consider requests for referral, submitted to him through the Head of Human Resources or the alternative official either by officials, or former officials, and may accept such referral with a view to resolving:
  - i. individual disputes that officials or former officials may have with the services of the Organisation (except for disputes relating to periodical adjustments of remuneration, allowances and pensions); and
  - ii. relational conflicts that officials might have, in the performance of their duties, with their supervisors or other officials, including harassment;
- b. communicate to the Secretary General and the Head of Human Resources, each time it is necessary, general comments aimed at facilitating the prevention or settlement of the disputes or conflicts mentioned above;
- c. submit a joint activity report to the Secretary General at the end of his mandate. This report is circulated to all officials of the Organisation. It shall not permit the identification of the names of the persons who sought a referral to a mediator, or who took part in the mediation process. When no mediation has taken place during the two-year mandate of the mediators, then the mediators shall not be required to submit any activity report to the Secretary General.

## Independence and neutrality

**43.6** The mediator shall perform his duties in full independence and in a fully neutral manner. He may neither seek nor receive instructions from anyone, and he may not be subject to any constraints.



### **Confidentiality of the mediation process**

**43.7** The mediation process is a confidential one, and the mediator shall inform the parties of, and explain, the confidential nature of it. In particular, except for in the event of serious and imminent harm for one or more persons, the mediator shall:

- a. maintain the confidentiality of the events and documents which have come to his knowledge in the performance of his duties;
- b. not divulge without the consent of the persons involved in the mediation either the identity of these persons or any information those persons conveyed to him; and
- c. not be compelled to bear witness, in procedures carried out either inside or outside the Organisation, with regard to events or documents which have come to his knowledge in the performance of his duties.

**43.8** The mediator shall ensure the confidentiality of the documents he has received and personal notes he has taken in the course of his intervention missions. He shall keep the documents and notes in a secure location.

### **Referral**

**43.9**

- a. Any disputes and conflicts that fall within the scope of the mediator's mandate may be referred to the mediator at any time.
- b. However, a conflict or dispute may not be referred to the mediator, if:
  - i. an individual dispute relates to performance evaluation, periodic advancement or the job classification of an official;
  - ii. a relational conflict relates to events that are subject to an investigation under the procedure of Annex 1 to the Staff Rules or to a disciplinary procedure within the meaning of Article 42.
- c. If the relational conflict relates to events that become subject to an investigation or disciplinary procedure after a conflict or dispute has been referred to the mediator, the mediator must cease to take further action.
- d. The request for referral shall not have the effect of suspending or interrupting the time limits for submitting a formal complaint and requesting a conciliation, as provided for in Article 44 and Article 45. The mediator shall draw the attention of those requesting the referral to the present provision, as and when required.

### **Declining and ending a referral**

**43.10** The mediator may decline or end a referral at any time. He shall recuse himself in the event of a conflict of interest.

### **Impediment or recusation**

**43.11** In cases where a mediator cannot accept the referral, or recuses himself, the mediation shall be performed, where applicable, by the other mediator. In the event that the other mediator also finds himself in such a situation, the Secretary General, after consultation with the Secretary General's Office as set out in Annex 4 to the Staff Rules, shall appoint an *ad hoc* mediator who meets the conditions set out in Instruction 43.2.

### **Lack of decision-making or supervisory powers**

**43.12** The mediator shall have no decision-making or supervisory powers.

## **Means of action**

### **43.13**

- a. The mediator shall endeavour to help find a solution to the individual disputes or relational conflicts referred to him, through the use of any means within the Organisation he considers appropriate. Means may include, but are not limited to, interviews, meetings between conflicting parties, and recommendations.
- b. The mediator may require the parties to sign an agreement to mediate, settling the framework for the mediation, including aspects such as confidentiality.
- c. In the performance of his duties, the mediator shall have access to the personnel files of all officials, and to all documents he deems useful to consult. If copies of documents taken from these personnel files are handed over to the mediator, the latter shall not divulge their contents or send copies to the person who has requested his intervention, nor to any other official who has not been authorised, by virtue of his duties, to consult such files. However, the mediator may inform the person who has requested his intervention of the opinion he formed on reading those documents.
- d. If the mediator succeeds in settling a relational conflict, he may, subject to the parties' agreement, record the settlement in a confidential document. The parties may ask for a copy of the settlement.
- e. If the mediator succeeds in settling an individual dispute, the mediator shall record the settlement in a document, to be submitted for approval to the Secretary General, as well as to the official or former official.

## **Fairness of the process**

### **43.14**

- a. The mediator shall ensure that all parties have adequate opportunities to be involved in the mediation process.
- b. The mediator shall inform the parties, and may terminate the mediation, if:
  - i. a settlement is being reached and appears, for the mediator, unenforceable or in contradiction with the Staff Rules of the Organisation; or
  - ii. the mediator considers that continuing the mediation is unlikely to result in a settlement.

## **End of the process**

### **43.15**

- a. The mediator shall take all appropriate measures to ensure that any settlement is reached by all parties on the basis of informed consent, and that all parties understand the terms of the agreement.
- b. The parties may withdraw from the mediation at any time without giving any justification.

## **Informing the Secretary General**

### **43.16**

- a. The mediator shall inform the Secretary General of any difficulties encountered in the performance of his mandate.
- b. The mediator shall, with the approval of the parties, inform the Secretary General of the outcome of a mediation.

## Participation in the mediation process

### 43.17

- a. On request, officials shall provide the mediator with all documents and information which the mediator deems useful for performing his duties, and shall provide all the necessary assistance to allow him to carry out a mediation successfully.
- b. Any official interviewed by the mediator shall not to divulge the information and documents which have come to his knowledge in the course of the mediation. Any disclosure of information obtained by an official during the mediation process shall be subject to disciplinary measures. The only exception to these rules shall be in the event of serious and imminent harm to one or more persons.
- c. Any official interviewed by the mediator in the course of the mediation process may neither seek nor receive instructions. He may not be subject to any constraints nor may he be compelled to bear witness, in procedures carried out either inside or outside the Organisation, with regard to events or documents which have come to his knowledge in the course of the mediation process.
- d. Any third party outside the Organisation interviewed by the mediator is under the obligation not to divulge the information and documents which have come to his knowledge in the course of the mediation. The only exception to these rules shall be in the event of serious and imminent harm to one or more persons. Before being interviewed, the third party shall be reminded of his obligation by the mediator and shall confirm his agreement in writing.

## DISPUTES

### **Article 44**

#### COMPLAINTS PROCEDURE

1. An official may submit to the Secretary General a request inviting him to take a decision or measure which is required relating to the official. In particular:
  - a. the request must be made in writing, either in English or French, and lodged through the Head of Human Resources;
  - b. the Secretary General shall acknowledge receipt of the request, stating the date of receipt;
  - c. if the Secretary General has not replied within 60 days to the official's request, such silence shall be deemed as an implicit decision rejecting the request. The 60-day period shall run from the date of receipt of the request by the Secretary General.
2. An official aggrieved by an administrative act adversely affecting him, may submit to the Secretary General a complaint against that act. The official shall first address a letter to the Secretary General, through the Head of Human Resources, requesting that the administrative measure be reviewed.
3. The complaint must be made in writing and lodged through the Head of Human Resources:
  - a. within 30 days from the date of notification of the administrative act to the person concerned, in the case of an individual administrative act; or
  - b. within 30 days from the date of publication of the administrative act concerned, in the case of a general administrative act; or

- c. within 30 days from the date on which the complainant learned of an administrative act, if the administrative act has neither been published nor notified; or
  - d. within 30 days from the date of the implicit decision rejecting the request referred to in Article 44(1)(c).
4. The Secretary General shall give a reasoned decision on the complaint as soon as possible and not later than 30 days from the date of the receipt of the complaint, and shall notify the complainant accordingly. If despite this obligation, the Secretary General fails to reply to the complainant within that period, he shall be deemed to have given an implicit decision rejecting the complaint.
  5. A complaint shall not suspend the effect of the administrative act. Where in the opinion of the Secretary General the circumstances so justify, he may suspend the application of the administrative act.

### **Instructions**

- 44.1 The complaints procedure set up by this article shall be open on the same conditions, *mutatis mutandis*, to:
  - a. former officials; and
  - b. the legal beneficiaries of officials.
- 44.2 In accordance with Instruction 62.2, candidates outside the Permanent Bureau, who have applied for a position through a selection procedure, can bring a complaint using the simplified dispute resolution procedure established under Article 62, provided the complaint relates to an irregularity in the selection procedure.

## **Article 45**

### **CONCILIATION PROCEDURE**

If under Article 44, the Secretary General expressly or implicitly rejects all, or parts, of a complaint against an administrative act, then the aggrieved official may request a conciliation as provided in Annex 2 to the Staff Rules.

### **Instructions**

- 45.1 The aggrieved official must lodge a request for conciliation within 60 days after the Secretary General has made, or is deemed to have made, a decision under Article 44.
- 45.2 Former officials, and legal beneficiaries of officials, that have been aggrieved by a decision made by the Secretary General, or that is deemed to have been made by him under Article 44, must lodge a request for conciliation within 90 days after the making of the decision.
- 45.3 A request for a conciliation procedure does not suspend the effect of the administrative act. However, in appropriate circumstances, both the Secretary General and the Conciliator may stay the act.
- 45.4 The Conciliator must rule on the request for conciliation within 90 days after the receipt of the request for conciliation. With the agreement of the parties, this may be extended.

**Article 46****APPEALS PROCEDURE TO THE ADMINISTRATIVE TRIBUNAL**

If a dispute cannot be resolved under Article 44 and Article 45, the complainant may appeal to the Administrative Tribunal of the Council of Europe as provided for in Annex 3 to the Staff Rules.

**Instructions**

46.1 If a dispute cannot be resolved under Article 44 and Article 45, the complainant may appeal to the Administrative Tribunal of the Council of Europe as established by the Committee of Ministers of the Council of Europe (Administrative Tribunal).

46.2 The Administrative Tribunal, after establishing the facts, shall decide as to the law. In disputes of a pecuniary nature, it shall have unlimited jurisdiction. In other disputes, it may annul the act complained of. It may also order the HCCH to pay to the appellant compensation for damage resulting from the act complained of.

46.3 An appeal shall be lodged in writing within 60 days from the date of the:

- a. parties failing to implement the Conciliator's final decision within the period of time agreed upon (Annex 2, Article 8.6); or
- b. submission of the Conciliator's original report, as prepared in accordance with Annex 2, Articles 8.7 and 8.8.

Nevertheless, in exceptional cases, and for duly justified reasons, the Administrative Tribunal may declare admissible an appeal lodged after the expiry of these periods.

46.4 An appeal shall have no suspensive effect. However, upon application, the Chair of the Administrative Tribunal may grant a stay of execution of the act complained. If granted, that stay of execution shall be maintained throughout the appeal proceedings, unless the Administrative Tribunal decides otherwise on a reasoned request submitted by the Secretary General.

46.5 While an appeal is pending, the Secretary General shall avoid taking any further measure with respect to the appellant which, in the event of the appeal being upheld, would render unfeasible the redress sought.

46.6 Decisions of the Administrative Tribunal shall be binding on the parties as soon as they are delivered. The Secretary General shall inform the Tribunal of the execution of its decisions within 30 days from the date on which they were delivered.

46.7 If the Secretary General considers that the execution of an annulment decision is likely to create serious internal difficulties for the HCCH, he shall inform the Administrative Tribunal to that effect by providing a reasoned opinion. If the Tribunal considers the reasons given by the Secretary General to be valid, it shall then fix the sum to be paid to the appellant by way of compensation.

## CHAPTER III — RULES RELATING TO PERSONNEL OF THE ORGANISATION

### TITLE I: SCOPE OF APPLICATION

#### Article 47 SCOPE OF APPLICATION

1. These Rules relating to personnel of the Organisation (Personnel Rules) shall be applicable to all persons engaged by the Organisation who are not officials appointed by the Secretary General in accordance with Chapter II of the Staff Rules, and whose letter of engagement states that they are personnel members of the Organisation.
2. The Personnel Rules shall not apply to any other categories of staff retained by the Organisation, except to the extent determined by the Secretary General.

#### Instruction

- 47.1** Personnel may be internationally or locally recruited, although their respective immunities may differ.

### TITLE II: BASIC PRINCIPLES, RIGHTS AND DUTIES

#### Article 48 RIGHTS, DUTIES, PRIVILEGES AND IMMUNITIES

1. The duties of personnel of the Organisation are international in character. Personnel are subject to the authority of the Secretary General and are responsible to him for the discharge of their duties.
2. Personnel shall carry out their duties and regulate their conduct, always bearing in mind the interests of the Organisation and the international character of their duties.
3. The basic principles, rights and duties mentioned in Title II of the Staff Rules Applicable to Officials of the Organisation, together with the respective Instructions, apply to personnel *mutatis mutandis*.

**TITLE III:**  
**ENGAGEMENT, RECRUITMENT AND TERMINATION**

**Article 49**  
**ENGAGEMENT**

Personnel shall be engaged by the Secretary General.

**Article 50**  
**RECRUITMENT**

1. In selecting personnel, the Secretary General shall give primary consideration to obtaining staff of the highest standards of competence and integrity.
2. Personnel are required to be medically fit for the engagement.

**Instructions**

- 50.1 The Head of Human Resources or the alternative official shall, in agreement with the prospective supervisor, decide on the recruitment procedure. The recruitment procedure must be appropriate considering the duties and functions of the position, the term of the engagement and the urgency with which the position needs to be filled.
- 50.2 The recruitment procedure may not require the publication of a vacancy notice.
- 50.3 If recruitment via the publication of a vacancy notice is agreed, then the notice shall describe the duties and functions of the position, its category and grade, the conditions to be met by candidates, the documents to be provided in support of the applications, and the deadline for submitting the applications.
- 50.4 All applications must be submitted to the Head of Human Resources or the alternative official, who must ensure the confidentiality of the submitted applications.
- 50.5 The Head of Human Resources or the alternative official, in consultation with the prospective supervisor, must prepare a list of the five candidates best suited for the position. These candidates shall be ranked in order of merit. In appropriate circumstances, the supervisor and the Head of Human Resources or the alternative official may consult with the Secretary General in this regard.
- 50.6 The highest-ranked candidate shall be made an offer of engagement. Before any offer of engagement is made, the prospective supervisor must check all references of the candidate.

**Exceptions**

- 50.7 Unless recruited as an official in accordance with the procedures set out in the Staff Rules applicable to officials, a personnel member whose engagement, or progression of engagements, has expired after a continuous period of at least 24 months may not be employed by the Organisation, in any capacity, during a period of six months starting from the date of expiry of such engagement.
- 50.8 No person may be engaged for, or reassigned to, functions within the Organisation in which he would have authority over, or be under the authority of, a close family member.

## **Article 51**

### **TERMS OF THE ENGAGEMENT**

1. The Secretary General engages personnel by letter of engagement.
2. The letter of engagement shall determine the specific conditions of employment and mention that the engagement is subject to the provisions of the Staff Rules and any other applicable instruments and decisions which are applicable to personnel, including amendments which may be made to the Articles, Instructions or Annexes. Any disputes regarding the terms of the engagement may be submitted to the Secretary General as provided for in Article 44, which applies *mutatis mutandis*.

#### **Instructions**

**51.1** Any person offered an engagement as personnel member shall:

- a. receive a letter containing an offer of engagement signed by the Secretary General (offer of engagement);
- b. have access to the Staff Rules.

**51.2** The offer of engagement shall specify:

- a. that the engagement is subject to these Articles, Instructions and Annexes as amended from time to time;
- b. the duties and functions of the personnel member;
- c. the gross salary;
- d. the personnel member's normal working hours;
- e. the term of the engagement, including the date on which the term commences (commencement date), and the date on which the term expires (expiry date);
- f. that the term of engagement shall expire on the expiry date without prior notice;
- g. that the engagement is subject to the condition that the person be found medically fit to perform the functions to be assigned to him; and
- h. if applicable in accordance with Article 62, a *Model Arbitration Clause for Use in Connection with the Permanent Court of Arbitration Optional Rules for Arbitration between International Organizations and Private Parties* as applicable to future disputes.

**51.3** The person offered an engagement must accept the offer of engagement in writing within eight calendar days of receipt of such offer (acceptance period). The offer of engagement and its acceptance shall form the letter of engagement.

**51.4** Failing to accept the offer of engagement within the acceptance period, the offer shall be deemed rescinded.

**51.5** Failing to commence the engagement on the commencement day, the engagement shall be deemed rescinded.



- 51.6** If, after accepting the offer of engagement, the staff member is found by the medical practitioner not to be medically fit to satisfy the standards of employment and the exercise of the functions assigned to him within the Organisation, the appointment shall be deemed rescinded.

## **Article 52**

### **DURATION OF THE ENGAGEMENT**

1. The Secretary General shall engage personnel for a fixed term.
2. Save in exceptional circumstances, the fixed term shall not be less than three, and no more than 24, continuous months.

## **Article 53**

### **RENEWAL OF THE ENGAGEMENT**

1. In the interests of the Organisation, and based on a recommendation by the supervisor, the Secretary General may decide to renew a personnel member's engagement by making an offer of renewed engagement. If accepted by the personnel member, the personnel member is engaged based on a Letter of Renewed Engagement. Articles 51 and 52 apply accordingly.
2. A personnel member shall not be engaged on a progression of Letters of Renewed Engagement for more than 48 continuous months.

## **Instructions**

- 53.1** The Secretary General may decide to offer a renewed engagement to a personnel member based on the recommendation of the personnel member's supervisor. If appropriate, the supervisor shall first discuss a possible renewal with the Head of Human Resources.
- 53.2** The Secretary General shall make offers of a renewed engagement only as long as the personnel member concerned is still covered by a current fixed-term agreement.
- 53.3** A renewed engagement shall not give rise to an expectation, or even entitlement, to further renewed engagements, or to the conversion of a personnel member's engagement into another type of work relationship with the Organisation, including an appointment as official under the Officials' Rules.

### **Article 54**

#### **TERMINATION OF THE ENGAGEMENT**

1. The Secretary General may terminate the engagement of a personnel member.
2. If the Secretary General decides to terminate the engagement, he shall do so:
  - a. by giving the personnel member notice of the termination (Notice of Termination) observing the following notice periods:
    - i. if the personnel member has served for a continuous period of more than one month and less than, or equal to, six months – a notice period of 15 calendar days;
    - ii. if the personnel member has served for a continuous period of more than six months – a notice period of 30 calendar days; and
  - b. by paying the personnel member an indemnity equal to the net salary payable for the notice period mentioned in Article 54(2)(a)(i).
3. If a personnel member is on sick leave at the time the Secretary General gives the Notice of Termination, then the notice period specified in Article 54(2)(a)(i) shall be increased by the number of days the personnel member is on sick leave for the same illness after the Secretary General gave the Notice of Termination, but not beyond the expiry date of the engagement.
4. In lieu of giving the notice specified in Article 54(2)(a)(i), the Secretary General may pay a personnel member whose engagement is terminated the net salary due for the period of notice.

### **Article 55**

#### **RESIGNATION**

1. A personnel member may resign from his engagement with the Organisation.
2. If a personnel member decides to resign from his engagement, he shall do so by giving the Secretary General notice of the resignation (Notice of Resignation) observing the following notice periods:
  - a. if he has served for a continuous period of more than one month and less than, or equal to, six months – a notice period of 15 calendar days;
  - b. if he has served for a continuous period of more than six months – a notice period of 30 calendar days.
3. At the request of the personnel member, the Secretary General may accept a shorter period of notice than that specified in Article 55(2).

#### **Instruction**

- 55.1** The personnel member shall submit his written Notice of Resignation to the Head of Human Resources.

## **TITLE IV: FINANCIAL CONDITIONS**

### **Article 56**

#### **SALARIES**

1. Personnel are entitled to a gross salary as agreed in the Letter of Engagement.
2. The salaries of personnel shall be agreed upon, and be calculated and payable in, Euro (€).

#### **Instructions**

- 56.1** The salaries of personnel shall be determined, as appropriate, on a daily or monthly basis.
- 56.2** The Secretary General shall offer personnel a salary corresponding to their grade, category and step as shown in Annex 8 to these Staff Rules. Article 12 of the Staff Rules applies *mutatis mutandis*.
- 56.3** One twelfth of the annual salary shall be payable in arrears each calendar month. In addition, payments are calculated on the basis of the following principles:
- a. personnel who have worked less than 16 days in a given calendar month shall be paid one thirtieth of their monthly salary for each day worked;
  - b. personnel who have worked more than 15 days in a calendar month shall receive their monthly salary less one thirtieth for each day not worked; and
  - c. all Saturdays, Sundays and public holidays observed by the Organisation shall be considered to be days worked.
- 56.4** In the event of the death of a personnel member, his salary shall be maintained until the end of the calendar month in progress.
- 56.5** Personnel engaged for a fixed term of:
- a. less than, or equal to, 12 months of service – shall not be entitled to a step increase or inflation adjustment of salary; and
  - b. more than 12 months of service shall not be entitled to a step increase or inflation adjustment of salary for the first 12 months of service;
- 56.6** For periods of service greater than 12 months, personnel may be eligible for a step increase or inflation adjustment according to the progression scheme applicable to officials as applied by the Permanent Bureau.

### **Article 57**

#### **MEDICAL AND SOCIAL BENEFITS**

The provisions applicable to officials, as detailed in Article 28, shall apply to personnel *mutatis mutandis*.

**Article 58****DEATH OR INVALIDITY BENEFITS**

The provisions applicable to officials, as detailed in Article 28, shall apply to personnel *mutatis mutandis*.

**Article 59****MISSIONS**

Personnel travelling on mission for the Organisation shall be entitled to the reimbursement of the expenses incurred in fulfilling their mission, in accordance with Article 29 of the Staff Rules.

**TITLE V:****GENERAL CONDITIONS****Article 60****WORKING CONDITIONS****Working hours, part-time arrangements and overtime**

1. The normal working hours for personnel shall be determined by the Secretary General.
2. The normal working hours for personnel shall be 40 hours per week. The Secretary General may decide on what conditions personnel may be employed part time.
3. If the Secretary General or supervisor requires a personnel member to work overtime, the personnel member shall be entitled to compensation in accordance with the conditions set out in Article 33.

**Public holidays and leave entitlements**

4. The provisions with respect to public holidays applicable to officials, as detailed in Article 34, shall apply to personnel *mutatis mutandis*.
5. For each month of the engagement completed, a personnel member working full time shall be entitled to:
  - a. paid annual leave at the rate of two and a half working days;
  - b. paid sick leave of two days, on producing a medical certificate recognised by the Secretary General.
6. The Secretary General shall provide for paid maternity and paternity leave for personnel members, in accordance with Article 38 of the Staff Rules.
7. Personnel working part time shall be entitled to annual leave and to sickness, maternity and paternity leave at the rates applicable to personnel working full-time, but calculated on the basis of the ratio of the part-time working hours to the normal working hours.
8. The Secretary General may, at his discretion, grant exceptional paid leave to personnel, up to a maximum of eight days a year.

9. The Secretary General may, at his discretion, grant unpaid leave to personnel for urgent or private reasons up to a maximum of eight days a year.
10. A personnel member who, by the time his term expires, has:
  - a. not taken all the annual leave to which he is entitled, shall be paid the net salary related to the untaken leave;
  - b. taken leave in advance in excess of the leave to which he is entitled to at the time his engagement ends shall pay back to the Organisation the share of his salary which was paid during the corresponding period.

### **Instructions**

- 60.1 The working days for personnel shall be from Mondays to Fridays, in accordance with Instruction 32.1.
- 60.2 The core working hours for personnel shall be the same as they are for officials in accordance with Instruction 32.2.
- 60.3 With the written agreement of a personnel member, the Secretary General may change the personnel member's engagement from full-time to part-time. If so, the part-time personnel member shall:
  - a. work between 50% and 90% of the Organisation's normal working hours (adjusted hours);
  - b. receive a salary related to the ratio of the adjusted hours.

## **Article 61**

### **DISCIPLINE**

Article 42 of the Staff Rules, and its related Instructions, shall apply to personnel *mutatis mutandis*.

## **Article 62**

### **CONFLICTS AND DISPUTES**

1. Personnel shall have access to mediation under Article 43.
2. For personnel whose period of service is:
  - a. less than, or equal to, 24 consecutive months, a simplified dispute resolution procedure applies; and
  - b. longer than 24 consecutive months, Articles 42 to 46 of the Staff Rules, and their respective Instructions, shall apply to personnel *mutatis mutandis*.
3. Personnel whose period of service is longer than 24 consecutive months may in writing choose the simplified dispute resolution procedure.

## Instructions

**62.1** The simplified dispute resolution procedure is available to a personnel member who has:

- a. a period of service of less than, or equal to, 24 consecutive months; and
- b. been aggrieved by an administrative act within the meaning of Instruction 1.1, adversely affecting him.

**62.2** The simplified dispute resolution procedure is also available to:

- a. aggrieved personnel engaged for a fixed term longer than 24 months, if they select the simplified dispute resolution procedure at the time of their engagement, or on an *ad hoc* basis after the dispute has arisen; and
- b. candidates outside the Permanent Bureau, who have applied for a position through a selection procedure, provided the complaint relates to an irregularity in the selection procedure.

**62.3** After having submitted to the Secretary General a complaint against the administrative measure, and the Secretary General having explicitly or implicitly rejected, in entirety or partially, the complaint, a personnel member may request the resolution of the dispute through binding arbitration between himself and the Organisation. Article 44 applies *mutatis mutandis*.

**62.4** The binding arbitration shall be conducted under the auspices of the Permanent Court of Arbitration (PCA).

**62.5** The Letter of Engagement shall include the *Model Arbitration Clause for Use in Connection with the Permanent Court of Arbitration Optional Rules for Arbitration between International Organizations and Private Parties* as applicable to future or existing disputes (Model Arbitration Clause).

**62.6** For the purposes of including the Model Arbitration Clause:

- a. the number of arbitrators shall be one;
- b. the language to be used in the arbitral proceedings shall be English;
- c. the appointing authority shall be the Secretary-General of the PCA;
- d. the place of arbitration shall be The Hague;
- e. the agreement to arbitrate constitutes a waiver of any right to immunity from execution to which a party might otherwise be entitled with respect to the enforcement of any award rendered by an arbitral tribunal constituted pursuant to this agreement.

**62.7** The Secretary General may vary the terms of the Model Arbitration Clause as provided in Instruction 62.6(a) to (d) as appropriate.

**62.8** The PCA's *Optional Rules for Arbitration for Arbitration between International Organisations and Private Parties* will govern the binding arbitration.

## CHAPTER IV — FINAL PROVISIONS

### **Article 63**

#### **CALCULATION OF TIME LIMITS**

The time limits in any dispute resolution procedures shall run from the first day of each time limit as defined in the provision concerned. Saturdays, Sundays and public holidays shall count when calculating a time limit. However, where the last day of a time limit is a Saturday, Sunday or a public holiday, the time limit shall be extended to include the first working day thereafter.

### **Article 64**

#### **AMENDMENTS**

1. Before proposing an amendment to the Articles, or making amendments to the Instructions or Annexes, the Secretary General should consult with the staff.
2. The Articles contained in the Staff Rules may be amended upon proposal by the Secretary General, subject to the approval of the Member States, which shall pay due regard to the rights vested in the staff at the time of the amendment.
3. All other parts of the Staff Rules, including all Instructions and Annexes, may be amended by a decision made by the Secretary General. Before making the decision, the Secretary General must inform the Members on the proposed amendment.
4. If a proposed amendment gives rise to financial obligations, they should be clearly identified in the draft of the Secretary General's decision, and implemented only after approval by the Council of Diplomatic Representatives in accordance with the Regulations on Financial Matters and Budgetary Practices.
5. A Member State may approach the Secretary General to suggest an amendment to the Articles, Instructions and Annexes of the Staff Rules. When suggesting an amendment, the Member State shall provide the Secretary General with:
  - a. the text of the amended Article, Instruction and / or Annex;
  - b. a brief explanation of the rationale for the proposed amendment; and
  - c. a statement of any financial obligations to which the proposed amendment may give rise.

#### **Instructions**

##### **Consultation with staff**

- 64.1** When consulting with staff on proposed amendments, then the Secretary General shall provide staff with an appropriate amount of time to consider the amendment. In setting the amount of time, he will consider, among other issues, the scope and the complexity of the proposed amendment.

## **Amendments to Articles**

**64.2** In order to effect the amendment of an Article of these Staff Rules, the Secretary General shall circulate a notice announcing the proposed amendment to all Members. This notice shall include the following information:

- a. the text of the amended Article;
- b. a brief explanation of the rationale for the proposed amendment and its possible financial impact;
- c. the date on which the proposed amendment is scheduled to become effective;
- d. the period of time available to Members to consider the proposed amendment (voting period).

**64.3** When setting the voting period, the Secretary General shall take into consideration, among other issues, the scope and the complexity of the proposed amendment.

**64.4** Members shall endeavour to approve the proposed amendment by consensus. If the Members cannot reach consensus, the approval of the proposed amendment shall be subject to a two-thirds' majority of votes cast by Members during the voting period.

**64.5** If the proposed amendment is not approved, the Secretary General shall submit a revised proposed amendment to the Members within one month after the expiry of the voting period.

## **Amendments to Instructions and Annexes**

**64.6** The Secretary General shall inform the Members of an amendment to the Instructions and the Annexes by circulating a draft of the decision.

**64.7** The draft of the decision must include:

- a. the text of the amended Instruction and Annex;
- b. an explanation of the rationale for the amendment and its possible financial impact;
- c. the date on which the amendment will become effective;
- d. a statement that staff has been consulted before making the amendment.

**64.8** Appendix III (Statute of the Administrative Tribunal) is excluded from the scope of this provision.

## **Article 65**

### **GENERAL REVIEW OF STAFF RULES**

The Staff Rules are, in principle, subject to a general review every five years.

## **Instructions**

**65.1** In the year preceding the end of the five-year period the Secretary General shall consult with Members as to whether there is a need to review the Staff Rules in their entirety.



**65.2** Nothing in this Article prevents:

- a. amendments being made from time to time in accordance with the provisions of Article 64; and
- b. the Staff Rules being reviewed earlier and more frequently than contemplated in this Article.

### **Article 66**

#### **ENTRY INTO FORCE**

These Articles shall enter into force on 1 January 2018.

### **Article 67**

#### **APPLICATION OF STAFF RULES TO THE REGIONAL OFFICE OF THE PERMANENT BUREAU OF THE ORGANISATION**

1. Upon their entry into force, the Staff Rules shall not apply to a Regional Office of the Permanent Bureau of the Organisation (Regional Office).
2. The Secretary General may decide to extend the application of the Staff Rules to each Regional Office by nominating the Regional Office to which the Staff Rules should apply, and by setting the Staff Rules Regional Office Application Date (SRROAD).
3. The Staff Rules, as amended from time to time, shall then apply to the Regional Office 30 days after the SRROAD.
4. Nothing in this Article prevents a Regional Office from adhering to rules and processes set forth in the Staff Rules prior to their application.

## **ANNEXES**

**ANNEX 1**  
**INVESTIGATION PROCEDURE**

## **ANNEX 1**

### **INVESTIGATION PROCEDURE**

#### **Opening of an Investigation and scope of application**

1. The Secretary General may decide to open an Investigation. An Investigation is a fact-finding process, conducted by (an) investigator(s). It is distinct from the disciplinary procedure, but it may be conducted as part of that procedure (in accordance with Instruction 42.8).
2. The Secretary General may open an Investigation if:
  - a. he is reasonably of the view that, based on information brought to his attention by any individual, an official's conduct, if confirmed, may constitute misconduct or serious misconduct in accordance with Instruction 42.1 (objected conduct); or
  - b. the Head of Human Resources or the alternative official recommend the opening of an investigation in accordance with Instruction 42.8.
3. Upon deciding to act on an allegation, and to open an Investigation, the Secretary General shall appoint an Investigation Leader immediately.
4. Save in exceptional circumstances, the Secretary General shall decide to open an Investigation within thirty days of having received an allegation.
5. The Secretary General shall act on the basis of information brought to his attention by individual identified by name. In exceptional circumstances, he may act on an anonymous information when sufficiently convincing evidence corroborates the information, or when the information concerns a risk of physical harm to an individual or a financial risk to, or possible serious prejudice to the image or interests of, the Organisation.
6. The Secretary General shall not open an Investigation in the following situations:
  - administrative verifications, particularly those carried out in connection with the appointment and the determination of the various statutory entitlements and allowances; and
  - where the facts of the objected conduct have already been established, and for which disciplinary action under Article 42 can be taken without further investigation of facts.
7. Furthermore, the decision to open an Investigation shall not restrict:
  - the internal and external auditors of the Organisation in the performance of their duties; and
  - the Secretary General if he considers that it is necessary to involve the national police and judicial authorities.

#### **General provisions**

8. The Investigation shall be confidential. Any disclosure of information obtained during the Investigation, whether by an official, the Investigation Leader, or the Investigator, shall be considered serious misconduct.
9. Any retaliation or threat of retaliation against individuals reporting objected conduct to the Organisation that leads to the opening of an Investigation, or against individuals participating in an Investigation (for example, as witnesses), shall be considered serious misconduct under Article 42.

10. Any accusation, complaint or testimony shown to have been made vexatiously, frivolously or in bad faith, shall be considered serious misconduct.
11. The Investigation Leader must, in accordance with the Staff Rules, avoid any potential, perceived or actual conflict of interest (conflict of interest). If there is any doubt in this regard, the Investigation Leader, or any official, shall refer the matter to the Secretary General, who shall decide, if appropriate, to appoint a replacement for the Investigation Leader.
12. All individuals participating in the Investigation shall be considered as acting in the performance of their duties.

### **Appointment of the Investigator and terms of reference**

13. The Investigation Leader, in consultation with the Secretary General's Office, shall appoint a person from inside or outside the Organisation to conduct the Investigation. Depending on the complexity of the allegations, he or she may also appoint several Investigators, and assign other individuals to provide assistance to the Investigator(s). Save in exceptional circumstances, the Investigation Leader shall appoint the Investigator(s) within fifteen days upon being appointed by the Secretary General.
14. The Investigator(s)'s task shall be to gather all the information necessary to establish the factual basis of the objected conduct, in compliance with the adversarial principle. He shall be independent and perform all tasks in line with the principles of confidentiality, independence and impartiality.
15. The requirements regarding conflict of interest, shall equally apply to the Investigator(s). If there is any doubt in this regard, the Investigator(s) shall refer the matter to the Investigation Leader who shall decide, if appropriate, and after consultation with the Secretary General's Office, whether to appoint a replacement for the Investigator(s). If so, the Investigation Leader shall then, in consultation with the Secretary General's Office, appoint another Investigator within fifteen days.
16. If an Investigator is replaced in accordance with Annex 1.11 then the information gathered up to that point shall be handed over to the new Investigator immediately. The new Investigator shall decide, in the light of the information available, and of the nature and seriousness of the conflict of interest, whether to continue the Investigation on the basis of the information already gathered, or to begin the Investigation again in relation to some or all of the information.
17. If an Investigator is unable to continue the Investigation for some other reason, he shall advise the Investigation Leader without reasonable delay and hand over all information gathered up to that point. The Investigation Leader shall, in consultation with the Secretary General's Office, appoint another Investigator within fifteen days. Upon the appointment, the Investigation Leader shall hand over immediately any information relating to the investigation. The new Investigator shall decide on the most appropriate manner of continuing the Investigation.

### **The powers of the Investigator**

18. In carrying out the Investigation, the Investigator(s) may request meetings with, and interview any, individual, including from outside the Organisation, who may hold information that assists with establishing the facts. The individual shall disclose all information that may be relevant to the Investigation.
19. An individual may not refuse a request to meet or be interviewed, or disclose all information relevant to the Investigation without a valid reason. In case of doubt, the Secretary General shall decide whether the reasons given are valid.

20. A record shall be kept of these meetings and interviews, either as a summary record (*compte-rendu*, i.e., a report summarising the Investigator's conversations with the individuals questioned), or as a verbatim record (*proces-verbal*, i.e., a detailed report on the Investigator's questions and the individual's answers). The record shall be signed by the individuals, who, if considered useful, may add any further comments. If the individual refuses to sign, this fact shall be recorded.
21. The Investigator(s) may require the Organisation, through the Investigation Leader, to provide any information it holds and that can assist with establishing the facts. He may also request access to all the premises of the Organisation, and to gain access to individual electronic accounts of officials.
22. In exceptional circumstances, the Investigation Leader may decide that the Investigator's(s') request for information and access (request) is, entirely or partially, detrimental to the operation of the Organisation. Then, the Investigation Leader shall refer the request to the Secretary General who shall decide whether to accede to it, taking into account its subject matter, the nature of the request and all applicable internal rules, including any future Annex on personal data protection. The Secretary General shall also consider whether the information can be made available to the Investigator after redacting passages not relevant to the Investigation.

### **The rights of individuals implicated by, or involved in, the Investigation**

23. To ensure proper protection of individuals implicated by, or involved in, the Investigation, it shall be conducted in line with the adversarial principle. This includes, but is not limited to, that all individuals are afforded due process, for example, by being properly notified; by receiving comprehensive and relevant information without reasonable delay; and by being given the ability to respond appropriately to any allegation against them made in the course of the Investigation.
24. Where the Investigation concerns a possible breach of the anti-harassment policy set out in Annex 12, the Investigator shall, if he considers it necessary and appropriate, advise the Secretary General to take immediately interim measures suited to protect the harassed, including measures to separate him from the alleged harasser. The Secretary General shall take such interim measures unless the operation of the Organisation demands otherwise. The Secretary General shall inform the harasser and the harassed of his decision.

### **End of the Investigation and Investigation Report**

25. The Investigator shall prepare a Report containing his conclusions regarding the factual basis of the allegations.
26. The Investigator shall submit his Report to the Investigation Leader within three months of the date of his appointment. Upon request, the Investigation Leader may grant an additional period of time if the Investigator can demonstrate that special circumstances require an extension. If there is more than one Investigator, a collective Report shall be submitted and the deadline for submission of the Report shall be calculated as from the appointment of the first Investigator.
27. The Report shall be confidential. Unless expressly authorised by the Staff Rules, including Annex 1.29, the release of the Report, or parts thereof, by whichever means, and whether intentionally or inadvertently, shall be considered serious misconduct.
28. A copy of the Report must be made available to the official whose conduct was the subject of the Investigation. Where the Investigation was initiated to prepare a confidential memorandum under Instruction 42.8, then providing the official with a copy of the confidential memorandum, in accordance with Instruction 42.10, fulfils this obligation.

**Action taken following the Investigation Report**

29. The Investigation Leader shall send a copy of the Investigation Report to the Secretary General. If the Investigation was initiated in the course of preparing a confidential memorandum under Instruction 42.8, then the Investigation Leader shall also provide a copy of the Report to the Head of Human Resources or the alternative official.
30. Based on the findings in the Report, the Secretary General may decide to take disciplinary action against the official in accordance with Article 42. Instructions 42.11 to 42.16 apply accordingly.

**Investigations against the Secretary General**

31. If in the course of the Investigation, allegations are made against the Secretary General, then the Investigator shall cease to investigate and immediately inform the Secretary General and the Investigation Leader of the allegation. The Investigation Leader must immediately inform the President of the Netherlands Standing Government Committee on Private international Law of the allegations. The President shall discuss with the Chair of the Council on General Affairs and Policy in order to decide on suitable further actions.

**ANNEX 2**  
**CONCILIATION PROCEDURE**



## **ANNEX 2 CONCILIATION PROCEDURE <sup>1</sup>**

### **Article 1 General provisions**

1. This Annex establishes the procedure for a Conciliation requested by an official under Article 45 of the Staff Rules.
2. This procedure applies to the Conciliator and, *mutatis mutandis*, to the Deputy Conciliator. Unless provided otherwise, a reference to the Conciliator includes a reference to the Deputy Conciliator.

### **Article 2 Appointment**

1. The President of the Administrative Tribunal of the Council of Europe (Administrative Tribunal), shall appoint a Conciliator for a renewable term of five years.
2. An official or a former official, a representative of a National Organ or a former representative of a national delegation shall not be appointed as Conciliator.
3. The Conciliator shall provide assurances of his independence. He shall be an experienced member of the judiciary, mediator or conciliator in one of the Member States of the Council of Europe, and be competent in Employment Law and / or Administrative Law, ideally at the international level, and should be able to work in either English or French.
4. In the case of resignation or death, the Conciliator will be replaced for the remaining term, following the procedure referred to in Annex 2, Article 2(1).

### **Article 3 Competence**

1. The Conciliator shall examine, and rule on, all requests for Conciliation made by an official in accordance with Article 45 and Annex 2, Article 6.

### **Article 4 Independence and neutrality**

1. The Conciliator shall discharge his duties independently and neutrally, neither seeking nor receiving any kind of instructions. He may not perform other duties that could infringe upon his independence, impartiality and availability by any means.
2. Unless otherwise determined in the conciliation procedure, the Code of Conduct for the Judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, Resolution A/RES/66/106 of the General Assembly of the United Nations of 9 December 2011 shall apply, *mutatis mutandis*, to the Conciliator.

### **Article 5 Secretariat**

1. The President of the Administrative Tribunal shall establish the Secretariat of the Conciliator by appointing a Deputy Conciliator and a Secretary to the Conciliator.

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<sup>1</sup> To be confirmed with the Council of Europe – internal translation.

2. The Secretary to the Conciliator is subject to the authority of the Conciliator.

### **Article 6** **Request for Conciliation**

1. The request for Conciliation shall be submitted through the Secretariat of the Conciliator. It shall provide a summary of the facts, the arguments, the remedies sought, and may identify the aggrieved official's representative of choice, if any.
2. Unless otherwise provided, the time limits set out in Instructions 45.1, and 45.2 of the Staff Rules apply.
3. The Conciliator shall assign the case to either himself or the Deputy Conciliator, taking into consideration the language proficiencies of the parties, and any conflict of interests.

### **Article 7** **Recusation**

1. Either party may request the Conciliator's *recusation*.
2. The aggrieved official may include the request for *recusation* in his request for conciliation. In any event, either party may lodge the request for *recusation* with the Secretariat of the Conciliator within thirty days after making the request for Conciliation.
3. The Secretary to the Conciliator shall provide the request for *recusation* to the President of the Administrative Tribunal within fifteen days after the date it was lodged. At the same time, the Secretary to the Conciliator shall inform the Conciliator and the Secretary General of the request.
4. The President of the Administrative Tribunal shall decide the request for *recusation* within fifteen days after receiving the request for *recusation* from the Secretary to the Conciliator. The decision shall be reasoned.
5. Upon deciding, but no later than three days after making his decision, the President of the Administrative Tribunal shall inform the Conciliator and each party, through the Secretariat of the Conciliator, of his ruling and his reasons.

### **Article 8** **Procedure**

1. Unless otherwise provided, the Conciliator shall decide on the procedure, and inform the parties accordingly. The Conciliator shall ensure that the procedure affords due process and allows legal representation to all those involved in the Conciliation.
2. The Conciliator may decide to meet with both parties, or to communicate separately or jointly with them. Moreover, if considered appropriate, he may hear witnesses. He may also decide, with reasons, to retain external experts.
3. The parties shall co-operate with the Conciliator and provide him with all documents necessary to rule on the request.
4. The Conciliator, the parties, any witnesses, and all experts shall maintain the confidential nature of the Conciliation, and the Conciliator's decision and reasons, unless maintaining confidentiality could cause serious and imminent harm to one or more persons, or where disclosure is required under law or judicial order. The Conciliator shall inform the parties, any witnesses, and all experts of the confidential nature. He shall obtain signed non-disclosure agreements from everyone involved in the procedure.

5. Officials who divulge any information, or release any document, they learned of, or obtained, as a result of being involved in the Conciliation, or breach a non-disclosure agreement in any other form, commit, unless legally permitted to do so, serious misconduct.
6. The Conciliator will prepare a draft reasoned decision (draft decision). The time limit in Instruction 45.4 applies. If the parties:
  - a. accept the draft decision, then it becomes the final decision. The final decision binds the parties. It shall state a period of time for its implementation;
  - b. fail to implement the final decision within the period of time agreed upon, the aggrieved official may appeal to the Administrative Tribunal as provided under Article 46.
7. If the Conciliator concludes that the parties cannot agree to accept the draft decision, he shall prepare a written report (original report) that sets out:
  - a. the grounds of the Conciliation procedures;
  - b. any relevant facts as established in the course of the Conciliation;
  - c. the Conciliator's legal assessment; and
  - d. his reasoned recommendations and any *ex aequo et bono* solutions proposed.
8. The Conciliator shall submit the original report not later than one hundred and twenty days after receipt of the request for Conciliation, unless the parties have agreed otherwise.

#### **Article 9**

##### **Intervention in the proceedings by third parties**

1. Any person entitled to file a request for Conciliation may seek permission to intervene in a Conciliation based on the grounds that he has rights that potentially may be affected by the decision of the Conciliator. If the Conciliator received an application for permission to intervene, the Conciliator shall:
  - a. rule on the application; and, if successful,
  - b. establish, in accordance with Annex 2, Article 8, an appropriate conciliation procedure that allows the full participation of the intervener; and
  - c. include in the draft decision the rights of the intervener, and how they would be affected by the Conciliator's final decision.
2. If the Conciliator considers that, on the face of the request for Conciliation, his final decision may adversely affect the rights of a third party, that party shall receive a copy of the request, together with an invitation to intervene in the Conciliation. If the third party accepts the invitation and intervenes, then Annex 2, Article 9(1)(b) and (c) applies.

#### **Article 10**

##### **Applicable law**

1. The Conciliator shall apply:
  - a. the Staff Rules, any applicable law, and any other relevant rules of the Permanent Bureau; and

- b. the rights and fundamental freedoms as provided in the European Convention for the Protection of Human Rights and the fundamental freedoms as provided in the European Social Charter, and any general principles of law, especially those that form part of global administrative law. The Conciliator may also suggest an *ex aequo et bono* solution.

#### **Article 11**

##### **Final decision**

1. The Head of Human Resources shall ensure the safe and permanent archiving of all original final decisions and original reports prepared by the Conciliator.
2. In the case of an appeal under Article 46, the original final decision and the original report shall be provided to the Administrative Tribunal.

#### **Article 12**

##### **Funding of the Conciliation procedure**

1. The Permanent Bureau shall cover all reasonable and appropriate costs of the Conciliation.
2. The Permanent Bureau shall pay the Conciliator a reasonable and appropriate remuneration for his services. The remuneration may be based on scales set by the Permanent Bureau in the form of a decision by the Secretary General.
3. The Secretary General shall take all other administrative measures that are necessary for the proper functioning of the Conciliation procedure. This includes, but is not limited to, making available to the Conciliation interpreters and translators.

**ANNEX 3**  
**STAFF REGULATIONS - APPENDIX XI: Statute of the Administrative Tribunal<sup>3</sup>**

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<sup>3</sup> This appendix has been adopted by the Committee of Ministers of the Council of Europe.



### ANNEX 3

#### STAFF REGULATIONS - APPENDIX XI: Statute of the Administrative Tribunal <sup>1</sup>

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#### Article 1 – Membership of the Tribunal

1. The Administrative Tribunal (hereinafter referred to as the Tribunal) shall be composed of three judges, who shall not be staff members of the Council of Europe.
2. One judge shall be appointed by the European Court of Human Rights (hereinafter referred to as the Court) from among those who hold or have held judicial office in one of the member States of the Council of Europe or with another international judicial body, other than present judges of the Court. The remaining judges shall be appointed by the Committee of Ministers among jurists or other persons of high standing, with great experience in the field of administration. The judges of the Tribunal shall be appointed for a term of three years; they may be reappointed.<sup>2</sup>
3. Three deputies shall be appointed by the Court and the Committee of Ministers, on the same conditions.
4. The six judges and deputies who at any one time are serving, or completing pursuant to paragraph 5 of this Article, a three-year term of office must be nationals of different member states. This provision shall not apply to judges and deputies continuing to hold office pursuant to paragraph 6 of this Article.
5. In the event of the death or resignation of a judge or deputy during the three-year term for which he or she was appointed, the Court or the Committee of Ministers, as the case may be, shall appoint a replacement to serve for the remainder of the term of office of his or her predecessor.
6. Judges and deputies shall continue to hold office until replaced, but only for a maximum period of one year. The judge or deputy who is to continue to hold office pursuant to this paragraph shall, if need be, be selected by a drawing of lots.

<sup>1</sup> Note: as amended by Resolution Res(94) 11 of 5 April 1994, Resolution Res(99) 19 of 16 November 1999, with effect from 1 January 2000, Resolution CM/Res(2013)64 of 11 December 2013, with effect from 1 January 2014 and Resolution CM/Res(2014)4 of 11 June 2014.

<sup>2</sup> Note: as amended by Resolution Res(99) 19 of 16 November 1999, with effect from 1 January 2000.

7. A judge or deputy who continues or has continued to hold office pursuant to paragraph 6 of this Article shall continue to deal with any case in which oral proceedings have begun before him or her.

## **Article 2 – Chair**

The judge of the Tribunal appointed by the Court shall be the Tribunal's Chair. If the Chair is unable to act, he or she shall be replaced by the deputy appointed by the Court.

## **Article 3 – Independence of judges**

The judges of the Tribunal shall be completely independent in the discharge of their duties; they shall not receive any instructions. During their term of office they shall not hold any position which is incompatible with their independence and impartiality as judges of the Tribunal or the demands of this office.

## **Article 4 – Jurisdiction**

The jurisdiction of the Tribunal is provided for in Article 60 of the Staff Regulations. Any dispute concerning the scope of its jurisdiction shall be settled by the Tribunal itself.

## **Article 5 – Admissibility**

1. An appeal shall not be admissible unless it complies with the conditions laid down in Article 60, paragraphs 1 and 3, of the Staff Regulations.

2. If the Chair states, in a reasoned report to the judges of the Tribunal, that he or she considers the appeal to be manifestly inadmissible, and if the judges raise no objections within two months, the appellant shall be informed without delay that his or her appeal has been declared inadmissible for the reasons stated in the report, a copy of which shall be communicated to him or her.

## **Article 6 – Working languages**

The official languages of the Tribunal shall be English and French.

## **Article 7 – Preparation of case-files**

1. The notice of appeal must indicate its purpose, set out the facts and grounds of appeal and be accompanied by all supporting documents. Two copies thereof shall either be sent by registered post or handed to the registrar of the Tribunal, who shall acknowledge receipt and communicate them to the Chair and to the Secretary General.

2. The Chair shall set a time-limit for the submission by the Secretary General of his or her observations, to which all supporting documents not already submitted by the appellant shall be attached. The observations of the Secretary General shall be communicated to the appellant, for the submission of whose reply, if any, a time-limit shall also be set by the Chair.

3. The appeal, together with the memoranda and other supporting documents, the comments of the Secretary General and the appellant's reply, if any, shall be communicated to the judges of the Tribunal at least fifteen days before the date of the session at which it is to be considered.

4. If the Advisory Committee on Disputes has been asked for an opinion under Article 59, paragraph 5<sup>3</sup>, of the Staff Regulations, the opinion shall be communicated to the Tribunal as part of the case-file. However, evidence given before the Advisory Committee shall not be binding on the parties, nor may it be raised against them in the proceedings before the Tribunal.

5. The Tribunal may request any other document it considers necessary for the consideration of the appeal.

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<sup>3</sup> Note: as amended by Resolution CM/Res(2013)64 of 11 December 2013, with effect from 1 January 2014.

6. Every document included in the case-file shall be transmitted to the parties or made available to them for consultation in the offices of the Tribunal's registry.

7. The registrar of the Tribunal shall be responsible for communicating documents to the parties.

### **Article 8 – Stay of execution**

1. The Chair shall rule within fifteen days on applications made under Article 59, paragraph 9<sup>4</sup>, of the Staff Regulations for a stay of execution of an administrative act.

2. The Chair may make his or her decision subject to certain conditions.

### **Article 9 – Meetings of the Tribunal**

1. The Tribunal shall not be validly constituted unless a Chair and two judges or deputies are present.

2. The Tribunal shall be convened by the Chair.

3. The Tribunal's hearings shall be public unless the Tribunal itself decides otherwise.

4. The Secretary General and the appellant may attend the hearing and make any oral submissions in support of the arguments put forward in their written statements. They may be assisted and represented for that purpose by one or more persons of their choice.

5. The Tribunal shall hear any witnesses whose evidence it considers relevant to the hearing. The Tribunal may require any official of the Council to appear before it as a witness.

6. The judges of the Tribunal shall deliberate in private.

### **Article 10 – Intervention**

1. Any natural person to whom the Tribunal is open for the purposes of lodging an appeal and who establishes a sufficient interest in the result of a case submitted to the Tribunal may be authorised by the Tribunal to intervene in that case. Such authorisation may also be granted to the Staff Committee under the same conditions.

2. Submissions made in an intervention shall be limited to supporting the submissions of one of the parties.

### **Article 11 – Costs of the appeal**

1. The Tribunal may, if it considers that an appeal constituted an abuse of procedure, order the appellant to pay all or part of the costs incurred.

2. In cases where it has allowed an appeal, the Tribunal may decide that the Council shall reimburse at a reasonable rate properly vouched expenses incurred by the appellant, taking the nature and importance of the dispute into account.

3. In cases where it has rejected an appeal, the Tribunal may, if it considers there are exceptional circumstances justifying such an order, decide that the Council shall reimburse in whole or in part properly vouched expenses incurred by the appellant. The Tribunal shall indicate the exceptional circumstances on which the decision is based.

4. The Tribunal may decide that the Council shall reimburse justified travel and subsistence expenses incurred by witnesses who have been heard, within the limits of the rates applicable to staff on official journeys.

### **Article 12 – Decisions of the Tribunal**

1. The Tribunal shall reach its decisions by a majority vote. Reasons shall be given for decisions.

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<sup>4</sup> Note: as amended by Resolution CM/Res(2013)64 of 11 December 2013, with effect from 1 January 2014.



2. No appeal lies from decisions. In the event of a clerical error in a decision, it may be rectified by the Chair either *ex officio* or at the request of one of the parties.
3. A copy of the decision shall be delivered to each of the parties. The original shall be deposited in the archives of the registry of the Tribunal.
4. Decisions of the Tribunal shall be published *in extenso* by the Secretary General.

### **Article 13 – Internal Rules of Procedure**

The Tribunal shall adopt its own Rules of Procedure.

### **Article 14 – Registry and budgetary arrangements**

1. The Secretary General shall make the necessary administrative arrangements for the functioning of the Tribunal.
2. The Secretary General shall appoint a registrar and a deputy registrar of the Tribunal. In the discharge of their duties they shall be responsible only to the Tribunal.
3. Subject to the provisions of Article 15, any compensation awarded by the Tribunal shall be borne by the budget of the Council.
4. Travel and subsistence expenses incurred by judges of the Tribunal shall be refunded according to the rules in force in the Council and at the rates determined by the Committee of Ministers.

### **Article 15 – Bodies attached to the Council of Europe and other international governmental organisations<sup>5</sup>**

1. The jurisdiction of the Tribunal may be extended to cover disputes between bodies attached to the Council of Europe and other international governmental organisations and their respective officials, should the appropriate authorities of such bodies or international governmental organisations so request.
2. In such cases, an agreement governing administrative procedure and arrangements shall be concluded between the Secretary General and the body or the international governmental organisation concerned. The agreement shall expressly provide that the latter body or international governmental organisation shall bear the cost of compensation awarded by the Tribunal to any of its officials and the cost occasioned by such disputes.

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<sup>5</sup> Note: as amended by Resolution CM/Res(2014)4 of 11 June 2014.

**RULES OF PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL  
OF THE COUNCIL OF EUROPE  
(Entry into force 1 September 1982,  
Modified 27 October 1994 and 30 January 2002)**

The Administrative Tribunal of the Council of Europe,  
Having regard to Articles 59, 60, And 61 of the Staff Regulations;  
Pursuant to Article 13 of the Statute of the Administrative Tribunal,  
hereinafter referred to as "The Statute";  
Adopts the present rules:

**Section I  
ORGANISATION OF THE TRIBUNAL**

**Chapter I  
The Chairmanship of the Tribunal**

**Rule 1**

The Chairman of the Tribunal shall be a member appointed by the European Court of Human Rights from among those who hold or have held judicial office in one of the member States of the Council of Europe or with another international judicial body, other than present judges of the Court, in accordance with Articles 1 and 2 of the Statute.

**Rule 2**

The Chairman shall carry out the duties assigned to him in the Staff Regulations, the Statute of the Administrative Tribunal and these Rules. He shall in particular:

- a. direct the work of the Tribunal and the Registry,
- b. preside at its hearings,
- c. represent the Tribunal in the administrative matters.

**Chapter II  
Registry of the Tribunal**

**Rule 3**

1. The Registry of the Tribunal shall consist of the Registrar and Deputy Registrar appointed by the Secretary General, after having consulted the Chairman of the Tribunal. In the discharge of their duties they shall be responsible only to the Tribunal.

2. In accordance with Article 14, paragraph 1 of the Statute, the Secretary General shall provide the Tribunal with any other necessary staff for its operation, particularly the Council of Europe translation and interpretation services.

**Rule 4**

The Registrar of the Tribunal shall, under the Direction of the Chairman, be responsible for the work of the Registry. In particular:

- a. he shall assist the Tribunal and its members in the discharge of their duties,
- b. he shall be the channel for all communications made by or addressed to the Tribunal,
- c. he shall have the custody of the archives of the Tribunal.

**Rule 5**

A register shall be kept at the Registry in which shall be entered the date of registration of each appeal.

**Rule 6**

The Registrar of the Tribunal shall send the Tribunal's judgements to the Secretary General for publication, in accordance with Article 12, paragraph 4 of the Statute.

### **Chapter III** **The functioning of the Tribunal**

**Rule 7**

The seat of the Tribunal shall be at the seat of the Council of Europe in Strasbourg. The Tribunal may, however, if it considers it expedient, exercise its functions elsewhere in the territories of the member states of the Council of Europe.

**Rule 8**

The Tribunal shall be convened by the Chairman who shall fix its order of business

**Rule 9**

1. The Tribunal shall normally consist of the Chairman and two other regular judges.
2. In the absence of the Chairman or one of the said regular judges, the Chairman shall be replaced by the Deputy Chairman and each other regular judge by one of the substitute judges appointed by the Chairman.

**Rule 10**

1. The Tribunal shall deliberate in private. Its deliberations shall be confidential.
2. Only the members of the Tribunal shall take part in the deliberations. The Registrar and Deputy Registrar shall be present. No other person may be admitted except by special decision of the Tribunal.

## **Section II** **PROCEDURE**

### **Chapter I** **General Rules**

**Rule 11**

The official languages of the Tribunal shall be English and French.

**Rule 12**

The appellant may bring his appeal in person and conduct his own case. He may also be represented and assisted by one or several advisers of his choice.

**Rule 13**

The Tribunal may designate one or more of its members to take, on its behalf, such action as the Tribunal considers expedient or necessary for the proper performance of its duties under its Statute, and in particular, hear witness or experts or examine documents. Such members shall duly report to the Tribunal.

**Rule 14**

The Tribunal, or when it is not in session, the Chairman, may, giving reasons, order the joinder of two or more cases.

**Rule 15**

The Tribunal's hearings shall be public but on its own initiative or at the request of one of the parties, the Tribunal may, giving reasons, decide that the hearing will be held wholly or partly in camera.

## **Chapter II**

### **Institution of proceedings**

**Rule 16**

1. Appeals brought before the Tribunal under Article 60 of the Staff Regulations shall be addressed to the Registrar of the Tribunal.

2. Appeals shall be lodged in writing in one of the official languages of the Tribunal and signed by the appellant or its representative. Two copies thereof shall either be sent by registered post or handed to the Registrar who shall acknowledge receipt.

3. Appeals shall be presented in the form contained in the Appendix which forms an integral part of these Rules.

**Rule 17**

The Registrar shall without delay transmit one copy of the appeal to the Chairman and one copy to the Secretary General.

**Rule 18**

1. The Chairman shall set a time-limit for the submission by the Secretary General of his observations in writing, to which all supporting documents not already submitted by the appellant shall be attached. The observations of the Secretary General shall be communicated to the appellant; the Chairman shall set a time-limit for any written observations which the appellant may wish to submit in reply.

2. The chairman may call upon the parties to submit any additional information which he considers necessary to the procedure.

**Rule 19**

1. The appellant must substantiate the grounds of admissibility of his appeal, as mentioned in Article 60, paragraphs 1 and 3 of the Staff Regulations.

2. If, during the written procedure, the Chairman considers the appeal to be manifestly inadmissible, Article 5, paragraph 2 of the Statute shall apply. Any decision of rejection is given by on Order of the Chairman.

**Rule 20**

1. The Tribunal may strike an appeal out of its list of cases:

- a Where the appellant states that he wishes to withdraw his appeal ; or
- b Where the circumstances, in particular the appellant's failure to provide information requested or to observe time-limits set, lead to the the conclusion that he does not intend to pursue his appeal.

2. In this case, the Tribunal shall also rule in accordance with the procedure set out in Article 5, paragraph 2 of the Statute. It shall inform the appellant of its decision, of which a copy shall be sent to the Secretary General.

3. The Tribunal may decide to restore an appeal to its list of appeals if it considers that the circumstances justify such a course.

#### **Rule 21**

1. The complainant may apply to the Chairman for a stay of execution of the act complained of within the meaning of Article 59, paragraph 1 of the Staff Regulations, if its execution is likely to cause him grave prejudice difficult to redress. In that event Article 59, paragraph 7 of the Staff Regulations shall apply.

2. The Chairman shall rule within 15 days of the application, in accordance with Article 8 of the Statute. The decision shall be communicated in writing to the person concerned within 15 days.

#### **Rule 22**

1. If the complainant has been granted the stay of execution of the act complained of but does not bring an appeal before the Tribunal within the time-limit prescribed in Article 60, paragraph 3 of the Staff Regulations, the stay of execution shall expire automatically.

2. If the complainant brings an appeal before the Tribunal, the stay of execution shall be maintained throughout the appeal proceedings, in accordance with Article 60, paragraph 4 of the Staff Regulations, unless the Tribunal, on a reasoned request from the Secretary General, decides otherwise.

### **Chapter III Oral proceedings**

#### **Rule 23**

Oral proceedings shall normally be held. The parties may inform the Tribunal in writing that they are waiving such proceedings.

#### **Rule 24**

1. When the case is ready for hearing, the Chairman shall fix the date thereof. The Registrar shall give at least 30 days' notice of this date to the judges and substitutes on the Tribunal who are called to sit the documents relating to the hearing.

2. The Tribunal shall determine the order of oral proceedings.

#### **Rule 25**

1. The Tribunal may, of its own initiative or at the request of a party, decide to hear any witness or expert as well as any person whose evidence or statements seem likely to assist the hearing. The Tribunal may require any member of the staff of the Council of Europe whom it decides to hear to appear before it.

2. A party desiring to have witnesses, experts or other persons heard at the hearing shall give notice thereof to the Registrar at least 21 days before the date fixed for the opening of the hearing at which the person is to be heard. Such notice shall contain the names and description of the persons whom the party desires to be heard and shall indicate the subject to be dealt with by their evidence or statements and the language which will be used.

3. The Tribunal may, on its own initiative or at the request of a person appearing before it, order the hearing to be held in camera.

**Rule 26**

1. The persons whom the Tribunal decides to hear in accordance with Article 9, paragraph 5 of the Statute shall be summoned by the Registrar at least 7 days before the date fixed for the opening of the hearing. During the oral proceedings, the Tribunal may decide to hear a person who has not been summoned if it considers this will assist the hearing.
2. Any member of the staff of the Council of Europe whom the Tribunal decides to hear shall appear before the Tribunal or the members appointed for that purpose, in accordance with Rule 13 of these Rules, and may not refuse to provide the information requested. Any refusal to appear or to give evidence deemed to be unjustified by the Tribunal shall be brought to the notice of the Secretary General.
3. The Tribunal shall take a decision concerning any objection to a person whom it has decided to hear.

**Rule 27**

1. Each witness shall make the following declaration before being heard:  
  
"I swear" or "I solemnly declare upon my honour and conscience" - " that I will speak the truth, the whole truth and nothing but the truth".
2. Each expert shall make the following declaration before being heard:  
  
"I swear" or "I solemnly declare" – " that I will discharge my duty as an expert honourably and conscientiously".

**Rule 28**

The Tribunal may put questions to the persons whom it has decided to hear. These persons may be questioned, with the permission of the Chairman by the parties or their advisers.

**Rule 29**

The Tribunal may refuse to admit evidence which it considers irrelevant or without probative value. It may also limit oral evidence if it considers sufficient evidence has been adduced.

**Rule 30**

Any witness, expert or other person whom the Tribunal decides to hear may, if he has not sufficient knowledge of the official languages, be authorised by the Chairman to speak another language. In such event the necessary interpretation shall be supplied by the Council of Europe in accordance with Rule 3, paragraph 2 of these Rules.

**Rule 31**

In accordance with Article 11, paragraph 4 of the Statute, the Tribunal may decide that the Council of Europe shall reimburse the travel and subsistence expenses of persons heard by the Tribunal.

**Rule 32**

1. The Tribunal may, at any stage of the proceedings, call for the production of documents or of such other evidence as it finds necessary.
2. The Tribunal may arrange for any other measures of inquiry which it finds necessary.

**Rule 33**

If, during the oral proceedings, a member is replaced by another member, the Tribunal shall determine whether that part of the proceedings preceding the replacement should be recommenced. If more than one member is replaced during the oral proceedings, such proceedings must be recommenced.

**Rule 34**

The Tribunal or, when it is not in session the Chairman, shall rule on any application for the adjournment of a hearing, which may also be adjourned on its own initiative.

## **Chapter IV Judgements of the Tribunal**

**Rule 35**

1. Judgements of the Tribunal shall be delivered in public unless the Tribunal decides to deliver a written judgment.

2. Judgments of the Tribunal shall be signed by the Chairman and the Registrar. They shall include a summary of the facts and the proceedings, the reasons in point of law, and the operative provisions of the judgment. They shall not indicate if they have been taken by a unanimous or by a majority decision.

3. Judgments of the Tribunal shall also include an order for costs in accordance with Article 11 of the Statute.

**Rule 36**

The original of each judgment shall be filed in the archives of the Registry. The Registrar shall deliver a copy to each of the parties.

**Rule 37**

Applications for rectification of a clerical error in a judgment in accordance with Article 12, paragraph 2 of the Statute shall be made to the Chairman in writing.

## **Section III FINAL PROVISIONS**

### **Chapter I Intervention**

**Rule 38**

In accordance with Article 10 of the Statute any natural person to whom the Tribunal is open for the purpose of lodging an appeal may, before the commencement of the hearing, apply to intervene in an appeal by claiming that he has a sufficient interest in the result of a case submitted to the Tribunal. Such authorisation may also be granted to the Staff Committee under the same conditions. Submissions made in an intervention shall be limited to supporting the submission of one of parties.

**Rule 39**

1. An application to intervene shall be lodged with the Registrar of the Tribunal who shall send a copy to the parties.

2. The Tribunal shall rule on the admissibility of any application to intervene. It shall determine in each case the form which such an intervention must take.

3. The Chairman shall decide what documents the Registrar shall send to the person intervening.

## **Chapter II**

### **Miscellaneous provisions**

#### **Rule 40**

The Tribunal may, when a party claims that he is unable to comply with these Rules, waive the relevant rule if the waiver does not affect the essential principles of the procedure.

#### **Rule 41**

The Tribunal or, when it is not in session, the Chairman may extend the time-limits applicable to the parties in the proceedings provided for in these Rules.

#### **Rule 42**

All matters not provided for in the present Rules shall be dealt with by decision of the Tribunal or, when it is not in session, by decision of the Chairman, which shall be binding only in respect of the particular case.

#### **Rule 43**

These Rules shall apply to appeals included in the list of cases of the Tribunal from 1 September 1982.



**ANNEX 4**  
**DECISIONS BY THE SECRETARY GENERAL**

*The Secretary General*



### **Decision by the Secretary General**

#### ***Establishment of the Secretary General's Office***

1. The Secretary General's Office (SGO) is established.
2. The SGO supports the Secretary General in the day-to-day management of the Permanent Bureau (PB), including, but not limited to, in relation to human resources; financial administration; and the PB's overall efficient operation. The SGO will have the functions and obligations as from time to time conferred upon it by other instruments governing the PB and decisions made by the Secretary General.
3. The SGO's membership comprises the following officials:
  - a. Secretary General
  - b. Attaché to the Secretary General
  - c. Head of Administration / Head of Human Resources
  - d. Head of Finance / Senior Human Resources Officer
  - e. Personal Assistant to the Secretary General
4. To assist the SGO with discharging its functions and obligations, the SGO may decide to co-opt other officials to its membership from time to time.
5. The SGO may appoint a Secretary from within its membership. The Secretary will prepare and distribute, on behalf of the SGO, all official communications that need to be shared with other members of the PB or Members of the Hague Conference, and perform any roles and functions as conferred by the SGO from time to time.
6. The SGO shall meet on a regular basis.

The Hague, 1 March 2016

SG Decision	01/2016	Effective as of:	01.03.2016
		New/Supersedes:	S
		Supersedes SGD:	01/2015

*The Secretary General*



## **Decision by the Secretary General**

### **Decision and Recommendation making powers**

1. In accordance with Paragraph 2 of the Decision of the Secretary General concerning the Establishment of the Secretary General's Office (SGO) (SGD # 01/2016), the function and obligation to take decisions and to make recommendations are conferred upon the SGO as outlined below.

#### *Formal decision taking function*

2. The SGO can take the following formal decisions:
  - a. Appointment of the members of the advisory committee for disciplinary actions; and
  - b. Appeal to reject applications regarding the use of information.

#### *Recommendation making function*

3. The SGO can make the following recommendations:
  - a. Appointment of the Confidentiality Counsellor and Renewal of the Appointment;
  - b. Appointment of the two Mediators; and
  - c. Appointment of the Investigator.

#### *Composition of the SGO when taking decisions and when making recommendations*

4. Any official who is part of the membership of the SGO (in accordance with Paragraph 3 of SGD # 01/2016) and who has a conflict of interest, must not be part of the SGO taking a decision or making a recommendation.

#### *Miscellaneous*

5. To take a decision, or make a recommendation, the SGO must have a quorum.
6. The SGO has a quorum if at least three officials who
  - a. are part of the membership of the SGO (in accordance with Paragraph 3 of SGD # 01/2016), or who have been co-opted to its membership from time to time (in accordance with Paragraph 4 of SGD # 01/2016); and
  - b. are not disqualified for a conflict of interest in accordance with Paragraph 5. of this SGD,
 are present when the decision is made or the recommendation is taken.
7. To reach the quorum, the SGO may decide to co-opt other officials to its membership from time to time.

8. If the SGO faces a deadlock with respect to a particular decision or recommendation, the SGO must try to resolve the deadlock through negotiation at the meeting at which the decision or recommendation is scheduled to be taken or made. If the deadlock cannot be resolved through negotiations at the meeting, then the SGO must reconvene after agreeing on, and having appointed, a Chairman who has a casting vote.

The Hague, 1 March 2016

SG Decision	02/2016	Effective as of:	01.03.2016
		New/Supersedes:	N
		Supersedes SGD:	N/a

**ANNEX 5**  
**PERFORMANCE EVALUATION POLICY**

## **ANNEX 5**

### **PERFORMANCE EVALUATION POLICY**

#### **1. General provisions**

- a. Officials who have completed their probationary period are subject to the periodic evaluation of their performance (performance evaluation). The performance evaluation aims to optimise the performance of officials, thus ensuring the high performance of the Permanent Bureau.
- b. The performance evaluation is an ongoing two-way conversation between the supervising official (supervisor) and the supervised official (supervisee) that shall take place throughout an evaluation period. If a supervisee has had more than one supervisor during the evaluation period, then the first supervisor named in the contract (primary supervisor) may ask the Head of Human Resources to collect comments of all other supervisors (secondary supervisor(s)).
- c. An evaluation period is one calendar year, starting on 1 July. During the final three months of the evaluation period, the primary supervisor and the supervisee shall conduct a formal evaluation meeting.
- d. During the evaluation meeting, the
  - i. primary supervisor shall review the supervisee's achievements during the current evaluation period, including on the feedback received from secondary supervisors, and offer constructive feedback with a view to improving future performance; and
  - ii. supervisee shall be able to offer similarly feedback to the primary supervisor.
- e. Together, the primary supervisor and the supervisee shall also agree on:
  - the supervisee's short-, medium- and long-term goals, to be set in accordance with Annex 5.4;
  - any possible means of achieving the goals; and
  - and performance expectations for the forthcoming evaluation period.
- f. The primary supervisor shall provide ongoing feedback also in relation to the set goals and make any necessary adjustments that become necessary during the review period.
- g. The primary supervisor and the supervisee shall agree on a report that provides an account of the evaluation meeting and records the agreed short-, medium-, and long-term goals and performance expectations for the forthcoming evaluation period (evaluation report).
- h. The evaluation report shall become part of the supervisee's staff file.

#### **2. Annual Performance Review Procedure**

- a. No later than one month prior to the start of the final three months of the evaluation period, the Head of Human Resources shall remind all personnel of the need to conduct the evaluation meeting during that period. He shall also invite primary supervisors to agree with their respective supervisees on a suitable date for the evaluation meeting, and to communicate that date to him accordingly.
- b. If agreed between the primary supervisor and the Head of Human Resources, the evaluation meeting may take place in the presence of a representative of Human Resources (HR representative). In this case, the HR representative must be included in agreeing on a suitable date for the evaluation meeting.

- c. The evaluation report shall be based on a standardised evaluation form. The evaluation form shall:
  - i. allow the primary supervisor and the supervisee to prepare for, and conduct, the evaluation meeting;
  - ii. be the record of the review of the supervisee's achievements during the current review period, as well as any feedback provided by the primary and secondary supervisor(s);
  - iii. be the record of any feedback the supervisee provided to the primary supervisor;
  - iv. be the record of the agreed goals and performance expectations for the forthcoming evaluation period; and
  - v. record the presence of a representative of Human Resources and the reasons for the presence.
- d. The evaluation form shall be available on the Organisation's intranet. It comprises two parts, with each one to be completed before the evaluation meeting, first by the supervisee, and subsequently by the primary supervisor, respectively. No less than two days prior to the evaluation meeting, the primary supervisor shall provide a completed copy of the evaluation to the supervisee and the Head of Human Resources.
- e. After the evaluation meeting, the primary supervisor, shall add to the evaluation report a global evaluation of the supervisee relating to the achievement of their set objectives within the framework of a supervisee's job description. As part of the global performance evaluation, supervisors shall take into account officials' contributions to increasing value for money in the Organisation.
- f. At any stage during the preparation of the evaluation report, the primary supervisor, the supervisee, and, if involved, the HR representative, may add further information.
- g. The completed evaluation report shall be signed by the primary supervisor, the supervisee, and, if involved, the HR representative. The completed and signed evaluation form shall constitute the evaluation report. The evaluation report shall be submitted to the Head of Human Resources no later than 30 days following the evaluation meeting.

### **3. Performance rating, link to advancement and date of effect**

#### *A. Performance rating*

- a. After the completion of all performance evaluations, the Secretary General shall decide on the performance ratings of each supervisee, taking into account the global evaluation of their performance as prepared by their supervisors. This rating shall determine the advancement of the officials in their grades in accordance with Instructions 12.2 to 12.5, and Annex 5.B.
- b. The ratings which may be attributed to an official's performance are as follows:

#### **Outstanding performance:**

The official has achieved all the set objectives and his or her contribution has significantly exceeded expectations on several occasions; and has had a significant positive impact on one or more processes or outputs.

#### **Successful performance:**

The official has achieved at a maximum all the set objectives and his or her contribution has exceeded expectations on one occasion; or at a minimum achieved most of the set objectives and taken all reasonable measures to achieve the remaining objectives.

**Improvement needed:**

The official has not achieved most of the set objectives and has not taken all reasonable measures to achieve them.

**Unsatisfactory performance:**

The official has not achieved the set objectives and has not taken all reasonable measures to achieve them.

- c. Officials shall be notified of their performance rating and they may add additional comments to their evaluation form.
- d. The evaluation report shall then be put into the supervisee's staff file in accordance with Annex 5.1(h).
- e. Except in exceptional circumstances, the performance of supervisors cannot be rated above "Improvement needed" if they have not completed the evaluations for which they are responsible.

*B. Relationship between performance rating and advancement*

- a. Advancement on the salary scale shall correspond to the granting of one step. This shall require a performance rating of "Successful performance" or "Outstanding performance".
- b. If an official's performance is rated as "Outstanding performance", the official shall be granted, besides the step referred to in the Annex 5.B.(a), one or more additional steps, or five days of exceptional paid leave in accordance in Article 39. The decision which of the two forms of award will be granted, shall be taken by the Secretary General. In the event that the top step of the official's grade has been reached, the official shall be granted five days of exceptional paid leave. If exceptional paid leave is granted, the official may choose to take it during the current leave cycle or have it paid out.
- c. If an official's performance is twice rated as "Outstanding performance" over three consecutive annual performance cycles, besides the step referred to in Annex 5.B.(a), the official shall be granted one or more additional steps for at least one of those three cycles. In the event that the top step of the official's grade has been reached, the official shall be granted five days of exceptional paid leave. If exceptional paid leave is granted, the official may choose to take it during the current leave cycle or have it paid out.
- d. When an official's performance is rated as "Improvement needed", advancement shall be postponed for six months.
- e. When an official's performance is rated as "Unsatisfactory performance", no step shall be granted and, if it is not already the case, a Performance Improvement Plan shall be implemented pursuant to paragraph 8 below.

*C. Date of effect of the advancement*

- a. The advancement shall take effect on 1 July of the year following the annual performance management cycle. Should the advancement be postponed in accordance with Annex 5.B.(d), it shall take effect on 1 January of the year following the annual performance management cycle.



#### **4. Setting of Objectives**

- a. As part of the evaluation meeting, the supervisor and the supervisee shall agree on short-, medium- and long-term goals for the forthcoming evaluation period. These goals shall be aligned with the Organisations' work programme and strategic priorities. In setting the goals, the supervisee's role and functions, as well as development needs, shall also be considered.
- b. For Secretaries, in addition to the performance targets relative to the implementation of the Organisation's programme of work, the Secretary General shall set specific organisational objectives that will also be integrated into their evaluation report.

#### **5. Absences of Six Months or More**

- a. Supervisees who, during the ongoing evaluation period, had evaluation-relevant absences totalling six or more months shall not be eligible for an evaluation and periodic advancement until a forthcoming evaluation period in which the evaluation-relevant absences are less than six months.
- b. Evaluation-relevant absences include:
  - sick leave;
  - non-active status for reasons of illness;
  - non-active status for personal reasons;
  - unpaid long-term training leave.
- c. The primary supervisor may, nevertheless, continue to provide informal feedback to the supervisee until such time as the supervisee's following evaluation is scheduled.

#### **6. Complaints**

- a. All decisions relating to the evaluation are subject to the complaint procedure as provided in Article 44.

#### **7. Performance Improvement Plan**

- a. For officials whose global performance is rated as "Unsatisfactory performance", a Performance Improvement Plan (PIP) shall be developed and implemented at the end of the performance management cycle. After consultation with the Head of Human Resources, the PIP is implemented for a period of six months, subject to the extension referred to in Annex 5.7(g).
- b. When a decision to implement a PIP is taken, the official shall be informed in writing by his supervisor. The official shall be informed that failure to improve his performance with respect to the objectives set in the PIP may result in the termination of their appointment pursuant to Article 13(1)(a). The official shall also receive the PIP indicating the areas in which the official's performance must be improved and the objectives laid down in this context.
- c. The PIP shall be signed by the Secretary General, where appropriate, or the supervisor of the official, and, if involved, the HR representative. The official is to receive a copy of the PIP, and shall sign for its receipt.
- d. The official's signature does establish consent to the PIP. Likewise, the official's refusal to sign for the PIP does not affect the proper conduct of the PIP. The supervisor shall determine in conjunction with the Head of Human Resources or alternative official, as far as practicable after obtaining the opinion of the official, the means with which the PIP can be implemented.

- e. During the PIP, a monthly meeting shall take place with the official, during which the supervisor takes stock of the official's progress. If necessary, a HR representative shall be present. The supervisor shall summarise the discussions and their outcomes, attaching that record to the PIP. The official may also add comments within eight working days. The Head of Human Resources or alternative delegate shall be informed regularly on the progress made under the PIP.
- f. At the end of the PIP, the supervisor shall present the entire PIP containing the evaluation of his performance, to the official. The official can sign the PIP to acknowledge receipt. Within ten working days of receipt, the official may add further comments to the PIP. The official's signature does establish consent to the PIP. Likewise, the official's refusal to sign for the PIP does not affect the outcome of the PIP. The PIP will be placed on the official's staff file.
- g. If the evaluation referred to in Annex 5.7(f) states that:
  - i. the performance of the official has become satisfactory, the supervisor and the official will establish an evaluation report for the forthcoming evaluation cycle;
  - ii. the performance of the official remains unsatisfactory, but is in the view of the supervisor, and if involved, the HR representative, capable of improvement, the supervisor may, in agreement with the Head of Human Resources or the alternative official, extend the PIP for a further period of three months. The conditions set out in Annex 5.7(b) and (c) apply.
  - iii. If at the end of the extension, the evaluation concludes that:
    - iii.i. the performance of the official has becomes satisfactory, the supervisor and the official will establish an evaluation report for the forthcoming evaluation cycle;
    - iii.ii. the performance of the official remains unsatisfactory, the Secretary-General may terminate the official's appointment pursuant to Article 13(1)(a).
- h. Except for in exceptional circumstances, the maximum duration of a PIP cannot exceed nine months. The Secretary-General shall decide whether exceptional circumstances exist.

**ANNEX 6**  
**PENSION SCHEME RULES**

**ANNEX 6**  
**PENSION SCHEME RULES**

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## **ANNEX 6 PENSION SCHEME RULES**

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1 - Scope**

1. The Pension Scheme established by these Rules applies to officials and personnel at the Hague Conference on Private International Law who took up duty before 30 June 2012.
2. This scheme shall not apply to other categories of personnel such as experts, consultants, auxiliary staff, or personnel hired under local labour legislation, etc.
3. For the purposes of these Rules, the term "Organisation" refers to the Hague Conference on Private International Law and the term "staff member"<sup>1</sup> refers to all persons mentioned in paragraph 1 above.

#### **Article 2 - Deferred entitlement**

1. Where the medical examination which every staff member has to undergo as part of the appointment process (and the possible consequences of which have been duly notified to him before his appointment) shows him to be suffering from an illness or disablement, the Organisation may decide that, as regards risks arising from an illness or disablement existing before he took up his duties, the said staff member shall not be entitled to the invalidity or death benefits provided for in these Rules until the expiry of a period not exceeding five years from the date when he entered the service of the Organisation. If a staff member leaves an Organisation and takes up employment in another Organisation within a period of not more than six months, the time spent in the service of the first Organisation shall be deducted from this five- year period.

#### **Instructions**

##### **2.1/1 - Medical examination**

*The Organisation shall inform the staff member in writing of the application of a period of deferred entitlement and of its duration, which may be from one to sixty months. The Medical Consultant of the Organisation shall inform him in writing of the nature of the illness or disablement which justified the application of the deferment period.*

##### **2.1 /2 - Definition of entitlements during the deferment period**

- i) *If the staff member concerned leaves the Organisation during the deferment period, the leaving allowance shall be paid to him and the years of service completed during the deferment period shall be taken into account.*
- ii) *In the event of either permanent total invalidity or death resulting from a cause which justified the deferment period in course:*
  - a) *should such an event occur before the staff member has fulfilled the condition provided for in Article 7, the staff member or the beneficiaries shall be entitled to a lump sum, calculated in accordance with the provisions of Article 11;*

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<sup>1</sup> In the present Regulations, the term "staff members" and "beneficiaries" apply equally to men and women.

- b) *should such an event occur after the staff member has fulfilled the condition provided for in Article 7*
- *and if this condition was fulfilled during the deferment period, the staff member or the beneficiaries shall be entitled to a lump sum calculated in accordance with the provisions of Article 11, in respect of the reckonable years of service credited within the meaning of Article 6;*
  - *and if this condition was fulfilled prior to the deferment period, the staff member or the beneficiaries shall be entitled to both a lump sum calculated in accordance with the provisions of Article 11, in respect of the reckonable years of service completed during the deferment period, and the benefits to which they would have been entitled before the staff member's appointment.*
- iii) *In the event of either permanent total invalidity or death resulting from either an accident at work, or an illness or disablement other than that which justified the deferment period, and which occurred after commencement of duties, the staff member or the beneficiaries shall be entitled to the benefits provided by the Pension Scheme for such events.*

### **Article 3 - Definition of salary**

1. For the purposes of these Rules, salary shall be the monthly basic salary of the staff member, according to the scales in force in the Organisation.
2. The salaries taken into consideration for the calculation of benefits shall be those of serving staff members, whether in respect of benefits to be paid in the future or those actually being paid.

### **Article 4 - Definition of service conferring entitlement to benefits**

1. Subject to the provisions of Articles 5 and 41, paragraph 1, entitlement to benefit under these Rules shall be determined by the total of the periods served in the Organisation:
  - i) as a staff member;
  - ii) in any other capacity prior to appointment as a staff member, provided any periods so served were not separated by breaks of more than one year.
2. In addition to the total reckonable years of service thus calculated, a staff member may request, on cessation of work, that periods of service corresponding to certain statutory indemnities be taken into account, in particular payment in lieu of notice, for loss of employment and for leave not taken, under the provisions laid down by Instruction.<sup>22</sup>
3. Periods of part-time service shall be taken into consideration in calculating entitlement to benefit under these Rules provided they correspond to at least half-time work as defined by the provisions laid down by Instruction.
4. The periods referred to in Article 16, paragraph 3, shall also be taken into consideration.

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<sup>22</sup> Unless otherwise provided, the term "provisions laid down by Instruction" refers, throughout these Rules, to the implementation provisions in Article 52 of the Pension Rules.

## Instructions

### 4.1 /1 - Service counting for entitlement

*Service counting for entitlement shall consist of the following:*

- i) any periods of service completed as a staff member of the Organisation;*
- ii) any periods of sick leave or temporary incapacity in respect of which benefits have been paid; the staff member concerned shall be required to have paid his personal contribution to the Pension Scheme as calculated on the amounts so received; such periods shall be counted without any reduction;*
- iii) any periods of unpaid leave, if such periods are not taken into account by a new employer for the purposes of a pension scheme; the crediting of periods of unpaid leave equal to or less than two months shall be dependent on payment, for these periods, of the staff member's personal contribution to the Pension Scheme; the crediting of periods of unpaid leave beyond two months and up to a maximum of the four months following, shall be dependent on payment by the staff member, for these periods, of a contribution equal to three times his personal contribution to the Pension Scheme;*
- iv) any periods of secondment, should the staff member be reinstated, provided that these periods are not taken into account for the purposes of another pension scheme; the detailed rules for the crediting of such periods shall be laid down in the regulations applicable to staff.*

### 4.1 /2 - Service completed in another capacity before appointment as a permanent staff member

*Periods of service referred to in Article 4.1 ii) may be taken into account in accordance with Article 5, paragraph 5, if the following conditions are fulfilled:*

- i) such periods must have been prior to the appointment as a staff member of the Organisation.*
- ii) such service must have been completed in the full-time or at least half-time employment of the Organisation, or of another Organisation.  
Such employment must have been remunerated according to periods of time and not by the job or piece, being service performed on the premises and under the control and to the instructions of the Organisation, according to its hours of work.  
The staff member must have received all his emoluments for the service mentioned in the above sub-paragraph directly from the Organisation.*
- iii) any such periods completed in the service of the Organisation, must not have been broken for more than 12 consecutive months.*
- iv) in accordance with the provisions of Instruction 6.2, periods so to be taken into account must be of a minimum of thirty days; periods of part-time work, equal to or more than half time, shall be taken into account as a proportion of full time. The periods thus validated must total at least 30 days of full time.*

### 4.2 – Crediting of reckonable years of service corresponding to indemnities

*A staff member may request, on cessation of work, the crediting of reckonable years of service corresponding to:*

- i) compensatory payments in respect of leave not taken;*
- ii) compensatory payments in lieu of notice;*
- iii) indemnity for loss of employment.*



*Such reckonable years of service shall be credited subject to payment by the staff member of the personal contribution to the pension scheme or Provident Fund in respect of all these amounts.*

*Only reckonable years of service corresponding to periods below the statutory age limit may however be taken into account for the calculation of benefits provided for in these Rules.*

#### **4.3- Definition of half-time service**

*A staff member shall be considered as working half-time, within the meaning of Article 4, paragraph 3, when the number of his working hours, calculated on a monthly basis, is equal to half the number of full-time working hours.*

### **Article 5 - Calculation of service conferring entitlement to benefits**

1. Where a staff member appointed by the Organisation has previously served with the Organisation or another Organisation, his entitlement to benefits under the terms of Article 4 shall be conditional upon his paying over to the Organisation which re-appoints him the amounts paid to him on leaving his previous service:

- i) pursuant to Article 11;

plus compound interest on such amounts at 4% per annum from the date when the staff member received them until the date when they are paid over in accordance with this paragraph.

Should the staff member fail to pay over the amounts in question, reckonable years of service shall count only as from the new appointment.

2. Where a staff member appointed by the Organisation was previously drawing a retirement pension in respect of service with the Organisations, payment of that pension shall cease.

If the staff member refunds to the Organisation offering him a new appointment the pension payments he has received, the provisions of Article 4 shall apply on cessation of his new appointment.

If he does not make this refund, the years of service for which credit was acquired in the employment that originally entitled him to payment of the discontinued retirement pension shall be taken into account in the calculation of the retirement pension due on cessation of his new employment by reference to the salary for his last grading in such previous employment; moreover, that part of the final pension figure shall be abated by 5 per cent for each whole year during which the staff member drew the initial pension before the age of 60.

Where a staff member ceases his functions at a grade and step lower than that which he had previously held in the Organisation, his entitlement to benefits under these Rules shall be determined by taking into account the total of his reckonable years of service and the benefits shall be calculated on the basis of the salary for the highest grading held by him. However, a reduction shall be made in the number of years of service to be credited to him in respect of time served at a lower grade or step after having held the grade by reference to which benefits are calculated; this reduction shall be proportionate to the difference between the said gradings.

3. For the implementation of paragraphs 2 and 3 above, salaries shall be taken into account in accordance with the scales in force when the final pension assessment is made.

4. The crediting of the periods referred to in Article 4, paragraph 1 ii) shall be conditional on:
- i) the staff member submitting an application to that effect within six months following his taking up duty as a staff member; the application shall specify the periods of service with which the staff member wishes to be credited;
  - ii) the Organisation giving its agreement;
  - iii) the staff member paying, for each month of service with which he is to be credited, the contribution provided for in Article 41 of the Rules, of his first monthly salary as a staff member.

## Instructions

### 5.1 /1 - Service completed as a staff member

- i) *Application for any service referred to in Article 5, paragraph 1 or paragraph 2, to be taken into account must be made not later than twelve months after the new appointment.*
- ii) *Where, pursuant to Article 11, the staff member received a leaving allowance at the end of his previous appointment, then pursuant to Article 5, paragraph 1, no partial crediting of such service shall be allowed; accordingly, the staff member concerned shall be required either to refund such leaving allowance in full or to forgo the right to have the corresponding service credited.*
- iii) *Should the staff member fail to make a full refund immediately, he may be authorised to make such refund, at the latest, as from the expiry of the period referred to in sub- paragraph i) above, by monthly deductions of not less than 20 per cent of the amount of salary, as defined in Article 3, received at the time of beginning such refunds; compound interest at the rate of 4 per cent per annum shall be applied to the amount outstanding, until the refund has been made in full.*
- iv) *If at the date on which any benefit under the Pension Scheme is payable, such refunds have not been completed, the balance still due shall be repaid in its entirety, through deduction from the benefits to be paid, including those payable to persons entitled under the staff member. The Organisation may authorise payment by instalments, in which case compound interest at the rate of 4 per cent per annum shall be applied to the amount outstanding, until the refund has been made in full.*
- v) *In the event of incapacity, death or termination of the service of the staff member concerned, any amount still remaining unpaid shall be set off against the capital sums due to him or to the persons entitled under him, in accordance with the provisions of Instruction 38.1, and the balance still due shall be deducted in accordance with the provisions of sub-paragraph v) above.*
- vi) *In the event of the termination of his service without any payment of leaving allowance or pension, the staff member concerned may request time not exceeding twenty-four months in which to make up all or part of any refund then still outstanding, subject to the provisions of sub-paragraph v).*

### 5.1 /2 - Crediting of service completed before appointment as a staff member

- i) *Application to be credited with service completed before appointment as a staff member must be made within six months after confirmation of the said appointment in the case of staff members whose service began before the commencement of the said option period.*
- ii) *Persons entitled under a deceased staff member may not apply in his place for service to which this Instruction applies to be credited.*

iii) Service shall be credited subject to payment of the contribution referred to in Article 41 as calculated on the basis of the first monthly salary as a staff member and multiplied by the number of months of service in respect of which rights are credited, a pro rata deduction being made, where appropriate, for part-time service. First monthly salary here means the salary corresponding to full-time employment in the grade and step of the staff member, whether he be recruited on a full-time or a part-time basis. Such payment may be made by instalments in the form of monthly deductions from emoluments, commencing not later than the end of the relevant period referred to in sub-paragraph i) above and spread over a period not exceeding the duration of the previous service so credited.

Interest at 4 per cent per annum shall be due in respect of any part of the payments which is deferred beyond such period at the request of the staff member.

If, at the date on which any benefit under the Pension Scheme is awarded, such payments have not been completed, the balance still due shall be deducted from the benefits to be paid, where necessary by instalments.

iv) On making his application to credit such service as aforesaid, the staff member shall be required to consent to the Organisation's having first claim on any capital sums payable in the event of his death or invalidity or of the termination of his service, to the extent of any amounts then still outstanding in respect of crediting such service.

v) In the event of the termination of his service, the staff member or persons entitled under him may request time not exceeding twelve months in which to make up any amount then still outstanding, subject to the provisions of sub-paragraphs iii) and iv) above.

## 5.2- Non-refund of previous pension payments

Example illustrating the application of Article 5, paragraph 2, last sub-paragraph of the Rules:

- (i) First pension paid from age 52 to age 54:
- $$\left( T' \times \frac{40}{100} \right)$$
- (T' = salary used as basis of calculation)  
(20 reckonable years of service at 2%)
- (ii) Second period paid from age 54 to age 60:
- $$\left( T'' \times \frac{12}{100} \right)$$
- (T'' = salary used as basis of calculation at age 60)  
(6 reckonable years of service at 2%) / leaving allowance
- reduced pursuant to Article 8.4 of the Rules*

### Total pension

$$(i) + (ii) = \left[ \left( T' \times \frac{40}{100} \right) \times \frac{90}{100} \right] + \left[ \left( T'' \times \frac{12}{100} \right) \right]$$

$$\text{i.e. } 0.4 T' - 0.04 T' + 0.12 T''$$

- (iii) *In the final calculation of the total pension, the pension between brackets*

$$\left( T' \times \frac{40}{100} \right) \times \frac{90}{100}$$

*has now been reduced pursuant to Article 5, paragraph 2, not Article 8, paragraph 4, of the Rules; the amount as stated in i) above is reduced to 90%.*

$$\left( 2 \times \frac{5}{100} \right) \text{ i.e. } 10\%$$

### 5.3- Termination of service at a lower grade

*For the implementation of Article 5, paragraph 3, of the Rules, the calculation shall be made as illustrated below:*

- (i) *On previous termination of service (or at highest point in career before downgrading):  
10 years' service, grading on departure, A5/5 = theoretical final salary: 100 = T'  
i.e. 10 years' reckonable service.*
- (ii) *On final termination of service:  
10 years served in second period,  
grading on departure, A4/5 = theoretical final salary: 75 = T"  
the reckonable service in respect of the second period will thus be reduced in the ratio:*

$$\frac{T'}{T'} = \frac{75}{100} \text{ i.e. } 7.5 \text{ reckonable years}$$

- (iii) *Total: 10 + 7.5 = 17.5 years' reckonable service.*

- (iv) *Total pension will be calculated on the basis of:  
T' = 100 x 17.5 reckonable years of service.*

### Article 6 - Reckonable years of service

1. The benefits provided for under these Rules shall be calculated by reference to reckonable years of service consisting of:

- i) service calculated in accordance with Articles 4 and 5;
- ii) service credited in accordance with Article 12, paragraph 1.

2. Incomplete years of reckonable service shall be taken into account on the basis of one-twelfth of a year for each whole month of service. For benefit calculation purposes the period remaining shall be treated as a whole month if it is equal to or more than 15 days.

However, the period remaining shall not be taken into account for the purpose of calculating the 10 years' service required for entitlement to the retirement pension provided for in Article 7.

3. In the case of part-time work:

- i) reckonable years of service shall be calculated in accordance with the ratio between the working hours corresponding to part-time service and the official number of hours for full-time work in the Organisation;
- ii) however, reckonable years of service shall not be reduced when the staff member authorised to work part-time has contributed to the pension scheme on the basis of full-time work, by paying, in addition to his personal contribution to the Pension Scheme for the part corresponding to his part-time work, a contribution equal to three times the rate of contribution mentioned in Article 41, paragraph 4, on the difference in salary between his part-time work and the corresponding full-time work, under the provisions laid down by Instruction.

## Instructions

### 6.2- Fractions of a month

*Any fraction of less than thirty days remaining after aggregating periods of service shall be treated as a whole month if it is equal to or more than fifteen days and disregarded if it is less than fifteen days.*

### 6.3– Non reduction of reckonable years of service

*A staff member authorised to work part-time may request to contribute to the Pension Scheme on the basis of full-time work, provided that these periods are not taken into account by another employer for the purposes of a pension scheme and the amount of the supplementary contribution referred to in Article 6, paragraph 3 ii) is paid in accordance with the provisions of Article 41, paragraph 2. The staff member should make his request not later than the eighth day following the beginning of the period for which he is authorised to work part-time. This request shall be final, unless an exceptional derogation is granted by the Secretary General upon receipt of a duly justified request from the staff member.*

## Article 6 bis - Part-time service - effects on the calculation of entitlement

1. Where at the time of termination of his service an official was working part-time, the salary taken into account in calculating his pension entitlement shall be that payable for full-time work at his grade and step as provided in these Rules.
2. However, when an official terminating his service in the circumstances described in paragraph 1 above had been recruited to serve on a part-time basis, or authorised to work part-time for an indefinite period or for a fixed-term renewable by tacit agreement and if the provisions of Article 6, paragraph 3 ii) are not applied, the rate of the invalidity pension provided for in Article 14, paragraph 2, and the minimum and maximum amounts that apply, shall be set in accordance with the provisions laid down by Instruction.

## Instructions

### 6 bis.2/1 - Benefit payable to a staff member who has only worked part time

- i) *For the purposes of calculating the benefit payable under Article 6 bis, paragraph 2, to a staff member who has only worked part time, the following shall be reduced by an amount corresponding to the ratio between the number of hours actually worked and the official number of hours for full-time work:*
  - (a) *the maximum rate of retirement pension provided for under Article 10, paragraph 2 and the maximum amount of retirement pension provided for under Article 10, paragraph 3;*

- (b) *the rate of invalidity pension under Article 14, paragraph 2, and the minimum amount of invalidity pension provided for under Article 14, paragraph 4;*
  - (c) *the maximum amount of invalidity pension provided for under Article 14, paragraph 4, and the salary referred to in Article 15;*
  - (d) *the minimum amounts of survivor's pension provided for under Article 19, paragraph 3;*
  - (e) *the minimum amounts of orphan's pension provided for the first beneficiary under Article 25, paragraphs 3 and 4, as well as the increases provided for under Article 25, paragraphs 3 and 4, for orphans in respect of the second and every further beneficiary;*
  - (f) *the amount of the dependant's pension provided for under Article 25 bis, paragraph 2;*
  - (g) *the ceiling for benefits payable to survivors and orphans as defined in Article 29.*
- ii) *However, when a staff member was recruited by the Organisation for part-time service, after having worked full time for one of the Organisations listed in Article 1, he shall be subject to the provisions of Instruction 6 bis.2/2 provided he pays over, if appropriate, the sums specified in Article 5, paragraph 1 or Article 5, paragraph 2, as the case may be.*

**6 bis.2/2 - Benefit payable to a staff member who, at the time of termination of his service, is working part time for an indefinite period or for a fixed period renewable by tacit agreement, having previously worked full time**

- i) *For the purposes of calculating the benefit payable under Article 6 bis, paragraph 2 to a staff member authorised to work part time for an indefinite period or for a fixed period renewable by tacit agreement, the following shall be reduced in accordance with the ratio between the number of hours actually worked and the official number of hours for full-time work:*
- (a) *the rate of invalidity pension under Article 14, paragraph 2, and the minimum amount of invalidity pension provided for under Article 14, paragraph 4;*
  - (b) *the minimum amounts of survivor's pension provided for under Article 19, paragraph 3;*
  - (c) *the minimum amounts of orphan's pension provided for the first beneficiary under Article 25, paragraphs 3 and 4, as well as the increases provided for under Article 25, paragraphs 3 and 4 for the second and every further beneficiary of an orphan's pension;*
  - (d) *the amount of the dependant's pension provided for under Article 25 bis, paragraph 2.*
- ii) *However, when a staff member fulfils the conditions laid down in Article 7 at the date from which he is authorised to work part time for an indefinite period or for a fixed period renewable by tacit agreement, the benefit resulting from application of the provisions of sub-paragraph i) above, may not be less than that to which he or his authorised representatives would have been entitled had he ceased working for the Organisation at that date for a reason other than invalidity or death.*

## **CHAPTER II RETIREMENT PENSION AND LEAVING ALLOWANCE**

### **Section 1: RETIREMENT PENSION**

#### **Article 7 - Conditions of entitlement**

1. A staff member who has completed ten or more years' service, within the meaning of Article 4, in the Organisations, shall be entitled to a retirement pension.

#### **Instructions**

##### **7.1/1 - Service for the purposes of Article 4**

*For the purposes of Article 4, service as a staff member shall be:*

- *periods served after 1 June 1981, in respect of which the staff member's contributions to the Pension Scheme have been paid in accordance with Article 5, paragraphs 1 i) and 5;*
- *periods referred to in Article 16, paragraph 3, in accordance with Article 4, paragraph 4.*

##### **7.1/2 - Part-time service**

*Without prejudice to Article 6, paragraph 3 i), periods of part-time service shall be considered periods of full-time service within the meaning of Article 7.*

#### **Article 8 - Age of entitlement, deferred pension and early pension**

1. A staff member shall become eligible for a retirement pension at the age of 60.
2. Pension rights shall continue to accrue to a staff member continuing to be employed after pensionable age, but his pension shall not exceed the maximum amount laid down in Article 10, paragraph 2.
3. If a staff member ceases his functions before pensionable age, payment of his retirement pension shall be deferred until he reaches that age.
4. However, a staff member who retires before pensionable age may request early payment of his pension provided he is at least 50 years old.

In such a case, the amount of the retirement pension shall be reduced by reference to the age of the staff member when payment of his pension begins, as shown in the table below.

Age when payment of pension begins	Ratio of pension on early retirement to pension at 60
50	0,60
51	0,63
52	0,66
53	0,69
54	0,73
55	0,77
56	0,81
57	0,85
58	0,90
59	0,95

## Instruction

### 8.4- Method of reducing pension - Early pension

- i) *Early retirement pension shall be calculated as follows:*
  - *if the pension that would be due with no reduction at age 60 is lower than the minimum rate prescribed in Article 10, paragraph 3, it shall be brought up to that minimum rate and the reduction provided for in Article 8, paragraph 4 shall then be applied to it;*
  - *if the pension that would be due with no reduction at age 60 is higher than the aforesaid minimum rate, the reduction shall be applied to it even if the result is lower than that minimum.*
- ii) *The reductions provided for in Article 8, paragraph 4 shall be applied by reference to whole years, no account being taken of months.*
- iii) *Family allowances shall be paid and calculated in accordance with the provisions of the Instructions of Article 28.*
- iv) *Under the conditions laid down in Article 8 and in this Instruction, an early pension may be requested at any time between age 50 and 60, once the staff member's service has terminated. Such requests must be in writing, and dated.*
- v) *Subject to the provisions of Article 5, paragraph 2, payments shall begin, irrevocably, on the first of the month following the date on which the request was made.*

### Article 9 - Commencement and cessation of entitlement

1. Entitlement to payment of a retirement pension shall commence on the first day of the month following that in which the person concerned became eligible for payment of the pension.
2. Entitlement shall cease at the end of the month in which the person receiving the pension dies.



## Article 10 - Rate of pension

1. The amount of the retirement pension shall be, per reckonable year of service within the meaning of Article 6, 2% of the salary corresponding to the last grade held by the staff member for not less than one year before cessation of his appointment and the last step held in that grade.
2. The maximum rate of the pension shall be 70% of this salary, subject to the provisions of paragraph 3 below.
3. The amount of the retirement pension shall not be less than 4% of the salary for grade C1, step 1, per reckonable year of service credited pursuant to Article 6; it may not, however, exceed the staff member's last salary as defined in Article 3.

### Instructions

#### 10.3/1 - Part-time service

*The minimum rate of the retirement pension shall be calculated on reckonable years' service, to be taken into account where applicable in fractions corresponding to any part-time service in accordance with Article 6, paragraph 3 i); this minimum shall therefore be equal to 4% of the salary for grade C1, step 1, per year of service thus credited.*

#### 10.3/2 – Termination of service at a lower grade

*In cases where Article 5, paragraph 3 is applied, the minimum rate of the retirement pension shall be equal to 4% of the salary for grade C1, step 1, per reckonable year of service, without any reduction.*

## Section 2: LEAVING ALLOWANCE

### Article 11 – Leaving allowance

1. A staff member whose service terminates otherwise than by reason of death or invalidity and who is not entitled to a retirement pension nor to the benefit of the provisions of Article 12, paragraph 2, shall be entitled on leaving to a payment of:
  - i) the aggregate amount deducted from his salary in respect of his pension contribution, together with compound interest at the rate of 4% per annum;
  - ii) an allowance equal to one month and a half of his last salary multiplied by the number of reckonable years of service credited within the meaning of Article 6;<sup>3</sup>
  - iii) one-third of the amounts paid to the Organisation under the provisions of Article 12, paragraph 1, together with compound interest at the rate of 4% per annum. Should, however, the whole of these amounts have to be refunded to his previous employer, the reckonable years of service corresponding to those amounts shall be disregarded in the calculation of the leaving allowance.

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<sup>3</sup> Refer to Art. 33, para. 7.

## Instructions

### 11.1 /1 - Refund of personal contributions

*i) For the purpose of the refund of any personal contributions which at the time of their payment were calculated on the basis of a scale other than that of the last country of service, the amounts involved shall be converted at the rate of exchange applicable in the Organisation at the date of the refund.*

*However, the staff member may request that the said personal contributions be refunded in the currency or currencies of the above-mentioned scale.*

*ii) The refund of the said contributions shall be calculated at the rate of 4% per annum up to the last day of the month preceding the actual payment.*

### 11.1/2 - Staff member whose service terminates at the end of a period of unpaid leave

When final termination of service occurs at the end of a period of unpaid leave during which no contributions were made to the Pension Scheme, the amounts stipulated in Article 11 shall, notwithstanding Instruction 11.1/1 ii), be calculated on the basis of rights acquired and salary at the date of commencement of that period, without any subsequent adjustment or interest.

### 11.1 /3 – Compulsory repayment of the leaving allowance

A staff member who has received a leaving allowance as provided in Article 11, paragraph 1, but whose service has not terminated according to Article 11, paragraph 2, shall repay the whole leaving allowance received upon his previous appointment, in accordance with the provisions laid down in instruction 5.1/1 sub-paragraphs iv) to vii). The time limit for application set out in instruction 5.1/1 i) shall not apply.

## Section 3: INWARD AND OUTWARD TRANSFER OF PENSION RIGHTS

### Article 12 – Inward and outward transfer of pension rights

1. A staff member who enters the service of the Organisation after leaving the service of a government administration or national organisation, or international organisation or a firm, may arrange for payment to the Organisation in accordance with the provisions laid down by Instruction, of any amounts corresponding to the retirement pension rights accrued under the pension scheme to which he was previously affiliated in so far as that scheme allows such a transfer.

In such cases, the Organisation shall determine, by reference to the provisions laid down by Instruction, the number of years of reckonable service with which the staff member shall be credited under its own pension scheme.

2. A staff member who leaves the service of the Organisation to enter the service of a government administration or national organisation, or international organisation, which has entered into an agreement<sup>4</sup> with the Organisation, shall be entitled to transfer to the pension fund of that administration or organisation:

- either the actuarial equivalent of his retirement pension rights accrued under these Rules, such equivalent being calculated in accordance with the provisions laid down by Instruction;
- or, in the absence of such rights, the amounts provided under Article 11.

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<sup>4</sup> Currently the Organisation does not have agreements with any other entities.

## Instructions

### 12.1 - Inward transfer of previously accrued rights

i) *Previous periods of affiliation to a pension scheme*

a) *Reckonable years of service shall be credited pursuant to Article 12, paragraph 1, subject to the conditions set out in this Instruction, in respect of a period of affiliation to the last pension scheme prior to appointment in the Organisation. Such affiliation may cover periods served in several administrations, organisations or firms, on condition that all these rights have been taken into account by the pension scheme of the last administration, organisation or firm before appointment in the Organisation.*

b) *An amount shall be taken into account under this Instruction only if it has been certified by the previous pension scheme as being the amount of the actuarial equivalent of retirement pension rights or a capital payment in respect of rights to a pension or rights under a provident scheme (excluding compensation for dismissal or a leaving gratuity), and it must represent the total amounts paid to the staff member by the previous pension scheme in question. The "total amounts paid" shall be taken to mean the amounts representing the total rights transferable to the Organisation. Staff members shall not be entitled to transfer only part of their accrued rights where that part is not equal to the transferable maximum.*

ii) *Amounts taken into account*

*For the purpose of calculating the reckonable years of service credited under Article 12, paragraph 1, the amounts indicated in sub-paragraph i) b) above shall be taken into account, as calculated by the previous pension scheme - as a capital sum, and with interest where applicable - as at the date on which they are paid to the Organisation;<sup>5</sup> any conversion into the currency of the salary paid by the Organisation shall be made at the rate of exchange in force on that date.*

iii) *Calculation of reckonable years of service*

*The number of reckonable years of service to be credited under Article 12, paragraph 1, shall be calculated on the basis of the table annexed to this Instruction, by dividing the amounts taken into account under sub-paragraph ii) above by the coefficient corresponding to the age of the staff member as at the date of payments of the amounts, and then by dividing the resultant amount by the theoretical value of a reckonable year of service (2% of the annual basic salary), established on the basis of the salary corresponding to the staff member's grade and step as at the date of payment of the amounts.*

iv) *Maximum number of reckonable years of service*

*Taking such reckonable years of service into account shall not have the effect of bringing the total pension up to more than the maximum rates prescribed in Article 10.*

v) *Time limits for application and revocation*

*Failing any special provisions in a reciprocal transfer agreement entered into by the Organisation, application for the amounts referred to in sub-paragraph ii) above to be taken into account by the Organisation shall be made in writing:*

a) *either within 6 months from the date of notification of confirmation of appointment after the probationary period;*

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<sup>5</sup> The accrued rights are invariably rights which are not yet due or the actuarial equivalent thereof.

b) or within twelve months from the date on which the previous pension scheme allowed such transfers;

*The application to transfer pension rights may be revoked by the staff member at any time before the payments provided for in sub-paragraph ii) above have been made in accordance with sub-paragraph vi) below.*

*The application to transfer pension rights shall be null and void if the payments provided for in sub-paragraph ii) above have not been made at the time of the staff member's termination of service.*

vi) *Time limit for payment*

*Payment of the amounts referred to in sub-paragraph ii) above shall be made:*

- *within three months after the expiry of the time limit prescribed in sub-paragraph v) above, if the person concerned has actually received such amounts from his previous employer;*
  - *on receipt of such amounts from the previous employer in other cases.*
- Payment to the Organisation shall be made in the currency - or its equivalent value at the rate of exchange in force on the date of actual payment to the Organisation - in which the amounts referred to in sub-paragraph ii) above have been or will effectively be paid by the previous pension scheme.*

vii) *Outward transfer to a subsequent pension scheme*

*Pursuant to Articles 11, paragraph 1 iii), and 12, paragraphs 2 and 3, the amounts paid to the Organisation under this Instruction and later refunded wholly or partly to a staff member who has not completed at least 10 years of service within the meaning of Article 4, shall be increased from the time of their payment to the Organisation by compound interest of 4% a year to be paid by the Organisation responsible for paying the leaving allowance.*

## **12.2 - Transfer of pension rights to an outside scheme**

i) *Time limit for application*

a) *Application for transfer of pension rights under Article 12, paragraph 2 must be made by the staff member to the Organisation in which his service has terminated, within six months after his definitive appointment by the new administration or organisation referred to in Article 12, paragraph 2.*

b) *If the Organisation is unable to conclude with the new administration or organisation referred to in Article 12, paragraph 2, an agreement for such transfer on terms which it considers satisfactory, it shall confine itself to making immediate payment of the amounts referred to in Article 11, paragraph 1, or to immediate or deferred payment of a retirement pension.*

ii) *Conditions as to transfer*

*The amounts referred to in Article 12, paragraph 2 may be transferred only to the pension fund of the administration or organisation referred to in Article 12, paragraph 2, that is to say, to the statutory or contractual pension scheme in force in that administration or organisation.*

iii) Calculation of amounts to be transferred

*The actuarial equivalent of the retirement pension rights referred to in Article 12, paragraph 2 shall be calculated on the basis of the table annexed to this Instruction, the annual pension acquired in the Organisation - established on the basis of the salary scale in force at the date on which the staff member ceases his functions - being multiplied by the coefficient corresponding to the age of the staff member at that date.*

**ANNEX TO INSTRUCTIONS 12.1 iii) AND 12.2 iii)**

Age	Coefficient		Age	Coefficient	
	Former	Current		Former	Current
20	4,114	4,7032	45	10,260	10,7410
21	4,265	4,8616	46	10,632	11,1070
22	4,422	5,0255	47	11,018	11,4740
23	4,638	5,1949	48	11,418	11,8603
24	4,794	5,3701	49	11,832	12,2579
25	4,958	5,5512	50	12,262	12,6757
26	5,144	5,7383	51	12,708	13,1007
27	5,342	5,9318	52	13,172	13,5477
28	5,545	6,1317	53	13,653	14,0068
29	5,753	6,3380	54	14,153	14,4861
30	5,969	6,5506	55	14,674	14,9830
31	6,191	6,7702	56	15,216	15,5030
32	6,422	6,9958	57	15,781	16,0344
33	6,661	7,2295	58	16,371	16,6009
34	6,908	7,4728	59	16,987	17,1914
35	7,163	7,7285	60	17,632	17,8360
36	7,428	7,9916	61	18,224	18,0423
37	7,702	8,2568	62	18,832	18,2427
38	7,985	8,5385	63	19,454	18,4375
39	8,278	8,8211	64	20,086	18,6025
40	8,581	9,1144	65	20,681	18,7657
41	8,894	9,4136			
42	9,218	9,7356			
43	9,553	10,0573			
44	9,900	10,3918			

Table established on the basis of the assumptions used to determine the cost of the scheme at 31 December 2012.

## CHAPTER III INVALIDITY PENSION

### Article 13 – Conditions of entitlement - Invalidity board

1. Subject to the provisions of Article 2, an invalidity pension shall be payable to a staff member who is under the age limit laid down in the Staff Regulations and who, at any time during the period in which pension rights are accruing to him, is recognised by the Invalidity Board defined below to be suffering from permanent invalidity which totally prevents him from performing his job or any duties proposed to him by the Organisation corresponding to his experience and qualifications.
2. The Invalidity Board shall consist of three medical practitioners, the first two being appointed by the Organisation and the staff member, respectively, and the third one selected jointly by the first two. Cases shall be submitted to it by the Organisation either on its own initiative or at the request of the staff member concerned.

### Instructions

#### 13/1 - Period of non-activity

- i) *The invalidity pension shall not be payable if it results from an illness or accident occurring during unpaid leave or a period of non-active status which did not give rise to contributions to the Pension Scheme (leave for personal reasons, military service).*
- ii) *On the other hand, it shall be payable if the events mentioned above occur during a period of non-active status which follows a period of sick leave, and during which the staff member is in receipt of an allowance for temporary incapacity; in such event, he shall continue to pay contributions to the Pension Scheme in accordance with Instruction 4.1/1 iii). The same shall apply to any periods of unpaid leave provided for under Instruction 4.1/1 iv).*

#### 13/2 – Invalidity Board

##### **Tasks of the Invalidity Board**

- i) *Subject to the provisions of Article 2, the tasks of the Invalidity Board are:*
  - a) *to ascertain whether a staff member is suffering from invalidity within the meaning of Article 13, paragraph 1.*
  - b) *when an incident is recognised by the Organisation as falling within the scope of Article 14, paragraph 2 (work accident, occupational disease or public-spirited act), to decide to what extent the staff member's invalidity is the result thereof ;*
  - c) *to decide whether, following an examination under Article 16, the former staff member no longer fulfils the conditions for entitlement to an invalidity pension.*

##### **Secretariat of the Invalidity Board**

- ii) *The Organisation shall appoint a staff member as secretary of the Invalidity Board.*

##### **Convocation and composition of the Invalidity Board**

- iii) *When the Invalidity Board is to be convened at the staff member's request, the request shall be addressed to the Head of Human Resources: it must include his formal application to be declared a permanent total invalid, and give the name of the medical practitioner who is to represent the staff member on the Invalidity Board. The request may be accompanied by a medical file, under separate confidential cover.*

*Upon receipt of this request the Head of Human Resources shall contact the medical practitioner nominated by the staff member. The staff member must ask his medical practitioner to forward all medical evidence in support of his application.*

*Within 30 calendar days following receipt of the staff member's request, the Head of Human Resources shall inform the medical practitioner nominated by the staff member of the name of the medical practitioner who will represent the Organisation on the Invalidity Board.*

*iv) When the Invalidity Board is to be convened at the request of the Organisation, the Head of Human Resources shall notify the staff member accordingly and ask him to make his observations, if any, and to nominate a medical practitioner to represent him on the Board, within 30 calendar days following receipt of the said notification.*

*This notification shall also state the name of the medical practitioner who will represent the Organisation on the Invalidity Board.*

*The Head of Human Resources shall ask the staff member to forward all medical documents concerning him to the medical practitioner representing the Organisation.*

*v) If one of the parties has not nominated a medical practitioner to represent it on the Invalidity Board within the prescribed time - limit, the other party shall ask the Chairman of the Appeals Board / Administrative Tribunal of the Organisation to appoint such a medical practitioner as soon as possible. He may, for this purpose, consult a list drawn up by:*

- a national judicial body, or*
- failing this, another national body of the staff member's duty station or home country.*

*vi) The third medical practitioner shall be selected by the other two within 30 calendar days at the most following notification of their names to the parties; failing agreement on this nomination within the prescribed time, the Chairman of the Appeals Board/ Administrative Tribunal shall nominate, at the request of either party, this third medical practitioner in accordance with the procedure set out in the above sub-paragraph.*

### **Meeting of the Invalidity Board**

*vii) The Invalidity Board shall meet at the latest within 60 calendar days following the appointment of the third medical practitioner.*

*viii) The Invalidity Board shall have at its disposal:*

- a) an administrative file submitted by the Head of Human Resources containing, in particular, an indication of the post occupied by the staff member in the Organisation together with a description of his duties and of any duties proposed to him by the Organisation corresponding to his experience and qualifications, so that the Board can give its opinion as to whether the staff member is incapable of carrying out those duties. This file shall also specify whether the application to be declared an invalid is likely to fall within the scope of Article 14, paragraph 2. Before being forwarded to the Invalidity Board, the foregoing particulars shall be communicated to the staff member by the Head of Human Resources for his written comments, if any, to be sent by him to the Head of Human Resources within 15 calendar days following their receipt.*

b) a medical file containing the report presented by the medical representative of the party - the Organisation or the staff member - that has asked for the Board to be convened, and, if appropriate, the medical report presented by the other party, as well as any reports or certificates from the staff member's medical practitioner or from practitioners whom the parties have consulted. This medical file shall also contain details of the length of absences of the staff member concerned which have provided grounds for the Board to be convened, as well as the nature of the disability on which the Board is asked to give a ruling.

All these reports, documents and certificates must be communicated to the three medical practitioners.

ix) The proceedings of the Invalidity Board shall be secret. The Board may ask to hear the staff member concerned. It may also ask him to undergo an additional medical examination by a medical practitioner appointed by the Board.

x) The cost of the meeting of the Invalidity Board shall be met by the Organisation. The Organisation shall bear the fees and the travel expenses - the latter calculated according to the rules applicable to staff members - of the medical practitioner representing the staff member only when this practitioner lives in the country of the staff member's last duty station, his home country if he is living there at the time of the establishment of the lasting nature of his disability, or in the country of residence of the former staff member concerned.

xi) The findings of the Invalidity Board shall be determined by a majority vote. They shall be final except in the case of obvious factual errors.

#### **Findings under Article 13, paragraph 1 or Article 14, paragraph 2**

xii) The findings of the Invalidity Board shall state:

- whether or not the staff member suffers from permanent invalidity which totally prevents him from performing his duties or any duties proposed to him by the Organisation corresponding to his experience and qualifications.
- whether the invalidity results from an incident recognised by the Organisation as falling within the scope of Article 14, paragraph 2 (work accident, occupational disease or public-spirited act);
- the date on which the disability became lasting; this date may be prior to the date of the meeting of the Invalidity Board.

#### **Findings under Article 16**

xiii) Where the Board meets under Article 16, the findings of the Board shall state:

- whether the former staff member is incapable of performing the duties attaching to his former post or any duties proposed to him by the Organisation corresponding to his experience and qualifications; or,
- whether it has been found that the former staff member is no longer an invalid.



### **13/4 – Decision of the Secretary General**

#### ***Decision under Article 13, paragraph 1, or Article 14, paragraph 2***

*i) In accordance with the findings of the Invalidity Board and without prejudice to the competence of the Appeals Board / Administrative Tribunal, the Secretary General of the Organisation shall decide either:*

*a) to grant to the staff member concerned an invalidity pension under Article 13, paragraph 1, or Article 14, paragraph 2; this decision shall specify the date on which the pension takes effect; or,*

*b) not to recognise the staff member as an invalid within the meaning of the Rules.*

#### ***Decision under Article 16***

*ii) In accordance with the findings of the Invalidity Board and without prejudice to the competence of the Appeals Board / Administrative Tribunal, the Secretary General of the Organisation shall decide either:*

*a) to continue payment of the invalidity pension to the former staff member; or*

*b) no longer to recognise the staff member as an invalid within the meaning of the Rules and to terminate such payment, at a date which may not be prior to the meeting of the Board, in accordance with the conditions provided for in Instruction 16/3.*

#### ***Obvious factual error***

*iii) In the event of an obvious factual error, the Secretary General shall again refer the case to the Invalidity Board.*

#### ***Notification of the decision of the Secretary General***

*iv) Within 30 calendar days of receipt of the findings of the Invalidity Board, the Secretary General shall notify his decision in writing, together with the findings of the Invalidity Board, to the staff member or former staff member.*

### **Article 14 – Rate of pension**

1. Subject to the provisions of Article 5, paragraph 3, the invalidity pension shall be equal to the retirement pension to which the staff member would have been entitled at the age limit laid down in the Staff Regulations if he had continued to serve until that age and without the need for a minimum of ten years' service under Article 7.

2. However, where the invalidity arises from an accident in the course of the performance of his duties, from an occupational disease, from a public-spirited act or from risking his life to save another human being, the invalidity pension shall be 70 per cent of salary. In the event of invalidity resulting from a cause other than these, the invalidity pension provided for in this paragraph may not be less than the invalidity pension which would be payable under paragraph 1 of this Article.

3. The salary used as a basis for the calculation of the invalidity pension referred to in paragraphs 1 and 2 above shall be the salary for the grade and step held by the staff member in accordance with the scales in force at the date laid down in Article 17, paragraph 1.

4. The invalidity pension shall not be less than 120 per cent of the salary for grade C1, step 1, but may not be more than the last salary, such salaries being those which appear in the scales in force at the date laid down in Article 17, paragraph 1, subject to any adjustments provided for under Article 36.

5. In the case of invalidity deliberately brought about by the staff member, the Organisation shall decide whether he should receive an invalidity pension or only a retirement pension or a leaving allowance, depending on his length of effective service.

## **Instructions**

### **14.1 - Part-time Service**

*Where a staff member working part time is found to be suffering from invalidity and the provisions of Article 6, paragraph 3 ii) are not applied, the period subsequent to the date on which he is recognised as unfit for service shall, for the purposes of calculating the invalidity pension provided for under Article 14, paragraph 1, be counted as a period of part-time work in the cases referred to in paragraph 2 of Article 6 bis.*

### **14.2 - Work accident and occupational disease**

*For the purposes of Article 14, paragraph 2, reference shall be made to the Rules applicable in the Organisation for the definition of the risks of work accident and occupational disease.*

## **Article 15 – Earnings rule**

1. Where a person in receipt of an invalidity pension is nevertheless gainfully employed, this pension shall be reduced by the amount by which his pension together with the remuneration he receives for the said employment exceeds the salary for the highest step in the grade he held at the time of his recognition as unfit for service.

2. This reduction shall apply only up to the age limit laid down in the Staff Regulations.

## **Instruction**

### **15.1 - Double entitlement to an invalidity pension and other income**

*a) By gainful employment under Article 15 is meant any employment outside the Organisation, as well as employment pursued therein, including as temporary, auxiliary or local official personnel or as an "employee", and also as an expert in receipt of fees.*

*b) A person in receipt of an invalidity pension shall immediately notify the Organisation which pays the pension of any gainful, non-occasional employment; in addition, he shall inform that Organisation of the total amount of remuneration he received during the preceding calendar year, the reduction referred to in Article 15 thus being calculated on a monthly basis.*

*Express mention of this obligation shall be made in the decision notifying the award of an invalidity pension.*

## **Article 16 – Medical examination –Termination of pension**

1. While a person drawing an invalidity pension is still under the age limit laid down in the Staff Regulations, the Organisation may have him medically examined periodically to ascertain that he still satisfies the conditions for entitlement to such pension, in particular having regard to any new duties corresponding to his experience and qualifications which may have been proposed to him by the Organisation.

2. When a person drawing an invalidity pension who has not reached the said age limit ceases to satisfy the conditions for entitlement to the invalidity pension, the Organisation shall terminate that pension.

3. The time during which the person concerned has drawn his invalidity pension shall then be reckoned, without payment of back contributions, for the calculation of the leaving allowance or retirement pension, as the case may be.

## **Instructions**

### **16/1 - Suspension of Invalidity Pension**

*If the recipient of an invalidity pension fails to submit to medical examination as prescribed by the Organisation, payment of the invalidity pension may be suspended.*

### **16/2 - Medical Examination and new Invalidity Board**

*The periodical medical examinations required under Article 16 shall normally take place at the place of residence of the person concerned, unless the Organisation requires otherwise or it is impracticable to have the person concerned examined at his place of residence.*

*Such examinations shall be carried out by a medical practitioner chosen by the Organisation; the latter shall bear the cost thereof, including travelling expenses of the person concerned if exceeding 50 km from his home. Should the medical practitioner chosen by the Organisation report that the staff member no longer satisfies the conditions of entitlement to an invalidity pension, notably having regard to any new duties proposed to him by the Organisation corresponding to his experience and qualifications, an Invalidity Board shall be convened in accordance with the provisions of Article 13 and its implementing Instructions.*

### **16/3 - Cessation of Entitlement to an Invalidity Pension**

*Where the Invalidity Board, in application of Article 16, paragraph 2, declares that the person concerned who is still under the age limit has ceased to satisfy the conditions of entitlement to an invalidity pension, the payment of that pension shall be terminated; if the person concerned does not resume work in the Organisation, he shall receive either a leaving allowance based on his years of service and years of invalidity where the total is less than 10 years, or a deferred or early retirement pension.*

### **16/4 - Re-entitlement to an Invalidity Pension**

*Where the person concerned is entitled to a deferred or early pension and subsequently suffers a relapse, while still under the age limit laid down in the Staff Regulations, resulting from the same condition as that which had entitled him to the previous invalidity pension, the Invalidity Board, convened at the staff member's request in accordance with instruction 13/3, shall declare that he once again effectively fulfils the conditions required under Article 13, paragraph 1, insofar as he is not receiving for that same condition an invalidity benefit or pension borne by another scheme.*

## **Article 17 – Commencement and cessation of entitlement**

1. Entitlement to an invalidity pension shall commence on the first day of the month following the date of the beginning of the invalidity as recognised by the Invalidity Board.

2. Subject to application of Article 16, paragraph 2:

- i) the invalidity pension payable under Article 14, paragraph 2 shall be paid for life;
- ii) in other cases, entitlement to an invalidity pension shall terminate:
  - either at the age limit laid down in the Staff Regulations,
  - or at the end of the month in which the recipient of such a pension dies.

Where the invalidity pension terminates because the person concerned has reached the age limit laid down in the Staff Regulations, he shall, notwithstanding the ten-year minimum requirement provided for in Article 7, be entitled to a retirement pension calculated as if he had remained in service until this age.

## **CHAPTER IV SURVIVOR'S AND REVERSION PENSIONS**

### **Article 18 – Conditions of entitlement**

1. The surviving spouse<sup>6</sup> of a staff member who died in service shall be entitled to a survivor's pension, provided they had been married to each other for at least one year at the time of the staff member's death, unless the death resulted either from disablement or illness contracted in the performance of his duties, or from an accident.

2. A reversion pension shall be payable to the surviving spouse:

i) of a former staff member drawing an invalidity pension, if they were married to each other for at least one year at the time of his being recognised an invalid; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of his death, or if the death resulted either from disablement or illness contracted in the performance of his duties, or from an accident;

ii) of a former staff member drawing a retirement pension, if they had been married to each other for at least one year at the time when the former staff member's appointment ceased; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of the former staff member's death; or

iii) of a former staff member entitled to a deferred pension, if they had been married to each other for at least one year at the time when the former staff member's appointment ceased; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of his death.

3. The above-prescribed conditions of anteriority or minimum duration of marriage shall not apply where there are one or more children of the marriage or of a marriage of the staff member contracted prior to the cessation of his appointment, inasmuch as the non-remarried surviving spouse is providing for their needs; in such case, the survivor's or reversion pension shall be payable under the derogation provided for in the present paragraph, for so long as the children are actually being so provided for.

When they are no longer being so provided for, the survivor's or reversion pension shall nonetheless continue to be payable for so long as the surviving spouse does not have an income of his own from the exercise of any occupation, or from any retirement pension or other survivor's or reversion pension, equal to at least the amount of the survivor's or reversion pension from the Organisation.

4. Entitlement to a survivor's or reversion pension shall be subject to the provisions of Article 2.

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<sup>6</sup> Wherever it occurs in these Rules, the expression "surviving spouse" applies indifferently to the wife or husband of the deceased staff member.

## Instruction

### 18.1 - Staff member dying during leave granted for personal reasons

*i) When a staff member who has completed at least 10 years' service within the meaning of Article 4 dies during a period of leave in respect of which no contributions were made to the Pension Scheme, the surviving spouse shall be entitled to:*

- *the survivor's pension under Article 19, paragraph 1 ii), the minimum and maximum amounts of such pension being in accordance with paragraphs 3 and 4 of the same Article;*
- *and, where appropriate, the benefits specified in Article 28.*

*In addition, any orphans and/or dependants shall be entitled to the benefits specified in Articles 25 and 25 bis.*

*ii) Where the deceased staff member had not completed ten years of service conferring entitlement, as defined in Article 4, the amounts provided for in Article 11 shall be paid to his estate; such amounts shall be calculated on the basis of rights acquired and salary at the date of termination of the period in respect of which contributions to the Pension Scheme were payable, without any subsequent adjustment or interest.*

## Article 19 – Rate of pension

1. The survivor's or reversion pensions shall be 60% of:

- i) the retirement pension that would have been payable to the staff member, had he not died in service, on the basis of his reckonable service credited up to the time of his death, without the need for a minimum of ten years' service under the provisions of Article 7;
- ii) the deferred retirement pension that would have been paid to the former staff member at the age of sixty;
- iii) the invalidity pension that was actually being paid to the staff member at the time of his death, no account being taken of reductions under Article 15;
- iv) the retirement pension that was actually being paid to the staff member at the time of his death, no account being taken of any reductions under Article 8, paragraph 4.

2. Where a staff member has died as a result of an accident in the course of the performance of his duties, from an occupational disease, from a public-spirited act or from risking his life to save another human being, the survivor's pension shall be 60 per cent of the invalidity pension to which the staff member would have been entitled under Article 14, paragraph 2 had he survived.

3. The survivor's or reversion pension shall not be less than 35 per cent of the staff member's last salary; nor shall it be less than the salary for Grade C1, step 1.

4. However, the reversion pension shall not exceed the amount of the former staff member's own pension in the cases covered by paragraph 1 ii), iii) and iv) above, nor the amount of the pension to which the former staff member would have been entitled had he reached the age limit laid down in the Staff Regulations at the time of his death.

## **Article 20 – Reduction for difference in age**

1. Where the difference in age between the deceased staff member or former staff member and his younger surviving spouse and/or former spouse, less the length of time they have been married, is more than ten years, the survivor's or reversion pension, calculated in accordance with the preceding provisions, shall be subject to a reduction, per year of difference, amounting to:

- 1% for the years between 10 and 20;
- 2% for the years 20 up to but not including 25;
- 3% for the years 25 up to but not including 30;
- 4% for the years 30 up to but not including 35;
- 5% for the years from 35 upwards.

## **Article 21 – Remarriage**

1. Entitlement to a survivor's or reversion pension shall cease on remarriage. The surviving spouse or ex-spouse shall be entitled to immediate payment of a capital sum equal to twice the annual amount of the pension, if there are no dependent children to whom the provisions of Article 25, paragraph 4 apply.

2. The capital sum paid to the ex-spouse shall not be more than the amount to which he could still be entitled under Article 22, paragraph 1.

### **Instruction**

#### **21.1 Payment of the capital sum**

*The capital sum provided for under Article 21, paragraph 1 shall be calculated with reference to the basic salary scale applicable at the date of remarriage, and paid to the recipient.*

## **Article 22 – Rights of a former spouse**

1. The non-remarried former spouse of a staff member or former staff member shall, on the latter's death, be entitled to a survivor's or reversion pension, provided that and for as long as the staff member or former staff member was, at the time of his death and by virtue of a court decision which had become final and binding, under an obligation to pay maintenance or compensation to the former spouse in a personal capacity; but the survivor's or reversion pension shall not exceed the amount of such payment.

This entitlement shall not arise if the former spouse remarried before the staff member or former staff member died. If remarriage takes place after the staff member's or former staff member's death and while the conditions laid down in the sub-paragraph above are still fulfilled, the provisions of Article 21 shall apply.

2. Where a staff member or former staff member dies leaving both a spouse entitled to a survivor's or reversion pension and a non-remarried former spouse fulfilling the conditions laid down in paragraph 1 above, the whole of the survivor's or reversion pension shall be divided between the before-mentioned persons in proportion to the duration of their marriages. The amount to which a non-remarried former spouse is entitled shall however not be more than the amount of the maintenance or compensation payable at the time of the death of the staff member or former staff member.

3. Where one of the persons entitled to a survivor's or reversion pension renounces his share, ceases to satisfy the conditions for entitlement or forfeits his rights under Article 35, or where the amount of his pension has been restricted under the terms of the second sub-paragraph of paragraph 2 above, his share shall accrue to the share of the other person, except where pension rights revert to orphans, as provided under Article 25, paragraph 3, second sub-paragraph. In such a case, the restriction laid down in the second sub- paragraph 2 above shall apply.

4. Reductions in respect of difference in age as provided for in Article 20 shall be applied separately to survivors' and reversion pensions calculated in accordance with the present Article.

## **Instructions**

### **22.1 Rights of a non-remarried former spouse**

*i) The maintenance or compensation payments referred to in Article 22, paragraph 1 shall, where appropriate, be converted into the currency of the scale applicable to the country of the staff member's or former staff member's last posting or, in cases to which Article 33, paragraph 2 applies, of the scale for which an option has been exercised by the former staff member prior to his decease, by applying the rate of exchange used in the relevant Organisation at the date of decease of the latter;*

*ii) the maintenance or compensation payments referred to in the preceding sub-paragraph shall be subject to the same adjustments as those actually applied to the basic salary corresponding to the grade and step used to calculate the survivor's or reversion pension provided for under Article 19.*

## **Article 23 – Commencement and cessation of entitlement**

1. Entitlement to a survivor's or reversion pension shall commence from the first day of the month following that in which the staff member or former staff member died. If the salary of a staff member who died in service continues to be paid to a surviving spouse or former spouse, directly and in full, under the Staff Regulations and Rules of the Organisation, payment of the pension shall be deferred accordingly.

2. Entitlement to a survivor's or reversion pension shall cease at the end of the month in which the recipient of the pension dies or ceases to satisfy the conditions for entitlement to that pension.

## **Article 24 – Incapacitated widower**

### **ARTICLE REPEALED**

## **CHAPTER V ORPHAN'S PENSION AND DEPENDANT'S PENSION**

### **Article 25 – Rate of orphan's pension**

1. Where a staff member or former staff member drawing a retirement or invalidity pension or entitled to a deferred pension dies, his children shall be entitled to an orphan's pension if they fulfil the conditions laid down in paragraph 2.

2. The legitimate, natural or adopted children of a staff member or former staff member who has died shall be entitled to an orphan's pension:

*i) When the deceased or his household provided their main and continuing support at the time of death; and*

- ii) When they satisfy the conditions of age, education or handicap required for the granting of the allowance for a dependent child.

The legitimate or natural children of a deceased staff member or former staff member who were born not more than 300 days after his death shall also be entitled to an orphan's pension.

3. Where there are one or more persons entitled to a survivor's or reversion pension, the amount of the orphan's pension shall correspond to the higher of the following amounts:

- i) 40% of the survivor's or reversion pension, no account being taken of reductions pursuant to Article 20; or
- ii) 50% of the salary for grade C1, step 1, according to the scale in force when the former staff member's pension was assessed, this amount being updated in accordance with the provisions of Article 36, or, if he was not drawing a retirement or invalidity pension, according to the scale in force at the time of death.

The orphan's pension shall be increased, in respect of the second and every further beneficiary, by an amount equal to the allowance for a dependent child.

The orphan's pension shall be brought up to the level provided for in paragraph 4 in the event of the beneficiaries of a survivor's or reversion pension remarrying or losing the right to that pension.

4. Where there are no beneficiaries of a survivor's or reversion pension, the orphan's pension shall correspond to the higher of the following amounts:

- i) 80% of the survivor's or reversion pension, no account being taken of reductions pursuant to Article 20; or
- ii) 100% of the salary for grade C1, step 1, according to the scale in force when the former staff member's pension was assessed, this amount being updated in accordance with the provisions of Article 36, or, if he was not drawing a retirement or invalidity pension, according to the scale in force at the time of death.

The orphan's pension shall be increased, in respect of the second and every further beneficiary, by an amount equal to twice the allowance for a dependent child.

5. The total amount of the orphan's pension shall be divided equally among all the orphans.

## **Instructions**

### **25.3 - Rate of pension for orphans dependent on a non-remarried former spouse**

*Subject, where appropriate, to the provisions of Instructions 27.1/1 and 27.1/2, the provisions of Article 25, paragraph 3 shall apply where a staff member or former staff member dies leaving a non-remarried former spouse entitled to a survivor's or reversion pension under Article 22. In such a case, the orphan's pension shall be fixed without having regard to the reductions provided for in Articles 20 and 22.*

### **25.4 - Rate of pension for orphans belonging to another family group**

*Subject to the provisions of Instructions 27/1.1 and 27/2.1, the provisions of Article 25, paragraph 4 shall also apply where a staff member or former staff member dies leaving a surviving spouse or former spouse on one side and orphans belonging to another family group on the other side.*



### **Article 25 bis – Rate of pension for other dependants**

1. Where a staff member or former staff member drawing a retirement or invalidity pension or entitled to a deferred pension dies, the persons (including children not fulfilling the conditions laid down in Article 25) recognised as satisfying the conditions for the granting of the allowance for a dependent child or dependent person under the Staff Regulations and Rules of the Organisation shall be entitled to a dependant's pension.
2. The pension paid to each dependant shall be equal to the lowest of the following amounts:
  - i) the amount, as recognised by the Organisation, of the support provided to that person by the staff member or former staff member at the time of his death;
  - ii) twice the amount of the dependant's allowance in force in the Organisation at the time of the death of the staff member or former staff member; or
  - iii) where an orphan's pension is paid, the amount of each orphan's share pursuant to Article 25, paragraph 5.

### **Instruction**

#### **25 bis.2 – Pension adjustment**

*The amount of the dependant's pension referred to in this Article shall be subject to the same adjustments as those effectively applied to the basic salary of the grade and step with reference to which the orphan's pension provided for under Article 25 is calculated.*

### **Article 26 – Commencement and cessation of entitlement**

1. The pensions provided for under Articles 25 and 25 bis shall be payable as from the first day of the month following that in which the staff member or former staff member died. If the salary of a staff member who died in service continues to be paid to a surviving spouse or former spouse, directly and in full, under the Staff Regulations and Rules of the Organisation, payment of the pensions shall be deferred accordingly.
2. The pensions under Articles 25 and 25 bis shall cease to be payable at the end of the month in which the child or other dependant ceases to satisfy the conditions for entitlement to the allowance for a dependent child or dependent person under the Staff Rules and Regulations of the Organisation.

### **Article 27 – Beneficiaries of more than one category**

1. Where a staff member or former staff member leaves a spouse or former spouse, on the one hand, and children or dependent persons, on the other, with entitlement to a pension, the total pension, calculated as if for a surviving spouse having all these persons dependent on him, shall be apportioned among the various categories of beneficiaries in proportion to the pensions which would have been payable to each category if treated separately.
2. Where there are children or dependent persons from different family groups, with entitlement to a pension, the total pension, calculated as though all were from the same family group, shall be apportioned among the various categories of beneficiaries in proportion to the pensions which would have been payable to each category if treated separately.

## Instructions

### **27.0 – Beneficiaries of more than one category - General provisions**

*In cases of coexistent pension entitlements of a spouse, former spouse(s), children and/or dependants, the “total pension” referred to in Article 27, paragraphs 1 and 2 is defined in Instructions 27.1/1 i) and 27.2/1 i) respectively. It shall be apportioned as follows:*

*i) If the beneficiaries are:*

- the spouse, and*
- former spouse(s)*

*with no dependent children and/or dependants, the pension shall be apportioned in accordance with the provisions of Article 22.*

*ii) If the beneficiaries are:*

- the spouse or former spouse(s), on the one hand, and*
- children and/or dependants, on the other,*

*belonging to different family groups, the pension shall be apportioned in accordance with the provisions of Instruction 27.1/1.*

*iii) If the beneficiaries are:*

- the spouse or former spouse(s) with children and/or dependants, on the one hand, and*
- orphans and/or dependent persons, on the other*

*belonging to different family groups, the pension shall be apportioned in accordance with the provisions of Instruction 27.1/2.*

*iv) If the beneficiaries are:*

- the spouse, and*
- former spouse(s)*

*one of whom at least has children and/or dependants, the pension shall be apportioned in accordance with the provisions of Article 22 for survivors' and reversion pensions, and of Instruction 27.2/1 for orphans' and/or dependants' pensions.*

*v) If the beneficiaries are:*

- persons entitled to orphans' and/or dependants' pensions belonging to different family groups, the pension shall be apportioned in accordance with the provisions of Instruction 27.2/1.*

*Where, when Instructions 27.1/1, 27.1/2, 27.2/1 are applicable, one of the family groups is affected by a change in situation, the individual entitlement within the other family group shall remain calculated in accordance with the initial apportionment of benefits.*

**27.1 /1 – Coexistence of beneficiaries, without children or dependants, entitled to a survivor's or reversion pension on the one hand, and of orphans and/or dependants on the other, belonging to different family groups**

*i) In this case, the total pension referred to in Article 27, paragraph 1 shall be calculated as if all beneficiaries of the deceased staff member or former staff member formed part of a single family group. This total pension shall comprise:*

- *a survivor's or reversion pension as would be payable to a surviving spouse of the deceased staff member or former staff member in accordance with Article 19 only;*
- *orphans' pensions calculated as if all orphans of the deceased staff member or former staff member belonged to the family group entitled to the survivor's or reversion pension mentioned above;*
- *dependants' pensions calculated theoretically as orphans' pensions before application of the provisions of Article 25 bis, paragraph 2.*

*In accordance with Article 25, paragraph 3 ii), only one minimum orphan's pension (50% of C1/1) shall be taken into account in this calculation.*

*ii) The total pension shall be apportioned among:*

- *the surviving spouse or non-remarried former spouse(s) and*
- *orphans and/or dependants,*

*in proportion to the amounts which would have been payable directly to each of these family groups considered separately, after application of Articles 20 and 22 for the survivor's or reversion pension, Article 25 for orphans' pensions, and Article 25 bis for dependants' pensions.*

*iii) If the amounts so apportioned exceed the pensions to which the beneficiaries would have been entitled if they had been considered separately, including, for dependants' pensions, after application of Article 25 bis, any such excess amounts shall not be payable.*

*iv) The minimum amounts laid down for survivors' and reversion pensions and for orphans' and/or dependants' pensions shall no longer apply to the shares actually attributed.*

**27.1 /2 – Coexistence of beneficiaries entitled to a survivor's or reversion pension with children and/or dependants on the one hand, and of orphans and/or dependants belonging to another family group on the other.**

*i) In this case, the total pension, calculated in accordance with Instruction 27.1/1 i), shall be apportioned among:*

- *the surviving spouse or former spouse (s) and the children and/or dependants thereof and*
- *the children and/or dependants belonging to another family group, in proportion to the amounts which would have been payable directly to each of these family groups considered separately, after application of Articles 20 and 22 for the survivor's or reversion pension, Article 25 for orphans' pensions, and Article 25 bis for dependants' pensions.*

ii) *Within the group consisting of a surviving spouse or former spouse(s) and orphans and/or dependants, the share going to that group shall be apportioned, for the purpose of calculating the individual entitlement of each member as mentioned above, in proportion to the survivor's or reversion pension on the one hand, and the orphans' and/or dependants' pensions on the other.*

iii) *If the amounts so apportioned exceed the pensions to which the beneficiaries would have been entitled if they had been considered separately, including after application of Article 25 bis, any such excess amounts shall not be payable.*

iv) *The minimum amounts laid down for survivors' and reversion pensions and for orphans' and/or dependants' pensions shall no longer apply to the shares actually attributed.*

## **27.2 /1 – Coexistence of beneficiaries entitled to orphans' and/or dependants' pensions belonging to different family groups**

i) *In this case, the total pension referred to in Article 27, paragraph 2 shall be calculated as if all the persons entitled to an orphan's pension and/or dependant's pension formed part of a single family group. Before apportionment, dependants shall be treated in theory as orphans. This total pension shall comprise:*

- *a single orphan's pension calculated, as the case may be, in accordance with the provisions of Article 25, paragraph 3 i) if there are one or more persons entitled to a survivor's or reversion pension, or of Article 25, paragraph 4 i) where there are no such persons;*
- *orphans' pensions equal to the dependent child allowance where there are one or more persons entitled to a survivor's or reversion pension, or to double that allowance where there are no such persons.*

ii) *This total pension shall be apportioned among the different family groups in proportion to the pensions which would have been payable directly to each of these family groups considered separately.*

iii) *Within each family group, the share going to that group shall be divided equally among the beneficiaries before application of Article 25 bis, where applicable.*

iv) *The minimum amounts laid down shall no longer apply to the shares actually attributed.*

## **CHAPTER VI FAMILY ALLOWANCES**

### **Article 28 – General Provisions**

1. Household allowance, children's or dependants' allowance, handicapped child allowance and education allowance, paid to the staff members of the Organisation as family allowances, are granted according to the modalities and conditions of entitlement provided for under the Staff Regulations and Rules and under the present Rules:

- i) to the recipient of a retirement pension as from the age of 60;
- ii) to the recipient of an invalidity pension;
- iii) to the recipient of a survivor's or reversion pension, in respect of the sole beneficiaries who were or would have been recognised as depending on the staff member or the former staff member if he had not died.

2. The double entitlement regulations apply to any allowance of a same nature, regardless of its name.
3.
  - a) The household allowance shall be calculated by reference to the pension of the recipient.
  - b) Where the recipient of a survivor's or reversion pension is a staff member of the Organisation or is in receipt of a pension assessed by the Organisation, only one household allowance shall be granted.
  - c) Where the spouse of a person entitled to a pension referred to in paragraph 1 is a staff member of the Organisation or is in receipt of a pension assessed by the Organisation, the household allowance shall only be paid to one of the spouses.
  - d) Where the spouse of the recipient of a pension referred to in paragraph 1 is entitled, under another scheme, to an allowance of a same nature than the household allowance, only the difference between the amount of the allowance under the present scheme and that of the allowance received by the spouse under the other scheme shall be paid to the recipient of the pension.
4. Where the recipient of a pension referred to in paragraph 1, or his household or the beneficiary concerned, is entitled to allowances referred to in paragraph 1 and also, under another scheme and for the same person, to a children's or dependants' allowance, or a handicapped child allowance of a same nature than those referred to in paragraph 1, the Organisation shall only pay the difference between the amount of the allowances granted under the present scheme and that of the allowances received under the other scheme.
5. The deduction of family allowances received under another scheme, referred to in Article 28, paragraphs 3 and 4, shall be automatic, save where the recipient produces evidence that the above-mentioned scheme makes a deduction of the amounts received under the present scheme.
6. The amount of the allowance for a child or other dependant payable to the recipient of a survivor's or reversion pension shall be twice the normal amount.
7. Entitlement to the allowances provided for in this Article shall cease at the end of the month in which the conditions for entitlement to those allowances under the Staff Rules and Regulations of the Organisation are no longer satisfied.

## **Instructions**

### **28.1 - Entitlement**

*Entitlement to family allowances when pension benefits are being paid shall be subject to the conditions relating to the attribution of such allowances, in accordance with the Staff Regulations and Rules of the Organisation.*

#### **28.1/1 - Early pension**

*Family allowances shall not be paid before the age of 60 to the recipient of an early pension; in such a case, at the age of 60, the household allowance shall be calculated on the basis of the reduced pension, subject to the minimum prescribed by the relevant Staff Regulations and Rules; the other family allowances of fixed amount shall be granted without any reduction.*

#### **28.1/2 - Monthly payment**

*Family allowances shall be paid per whole month starting from the 1st of the month following that in which the entitlement has arisen and until the end of the month during which the entitlement ceases.*

### **28.1 /3 - Education allowance**

*i) Entitlement to the education allowance shall be maintained for children dependent on a former staff member provided that the recipient of a retirement or invalidity pension -- or the recipient of a survivor's or a reversion pension -- has never ceased residing in the country of the last posting since termination of service and in as much as he continues to reside in that country.*

*ii) In the event of the death of a staff member or of the recipient of a retirement or invalidity pension, without any survivor's or reversion pension being awarded, or in the event of the death of the recipient of a survivor's or reversion pension, any education allowance which was being paid at the time of the death shall continue to be paid unchanged in its amount, until the expiry of the current school or academic year.*

### **28.3 - Household allowance**

*The household allowance to which the recipient of a pension is entitled shall be calculated on the basis of his pension, but shall not be less than the minimum laid down in the scales in force in the Organisation Isave where the allowance is reduced on the basis of the income of the spouse.*

## **CHAPTER VII CEILING ON BENEFITS**

### **Article 29 – Ceiling on benefits for surviving spouse, former spouse(s), orphans and/or dependants**

1. Where a staff member dies, the total amount payable in respect of survivor's, orphan's and dependant's pensions and of family allowances shall not exceed the maximum of the retirement pension referred to in Article 10, paragraphs 2 and 3, together with the family allowances to which the deceased staff member was entitled. In any event, this total shall not exceed the last salary received by the staff member together with the family allowances to which he was entitled.
2. Where a former staff member drawing a retirement pension dies, the total amount payable in respect of reversion, orphan's and dependant's pensions and of family allowances shall not exceed the amount of the pension and family allowances received by the former staff member.
3. Where a former staff member entitled to a deferred or invalidity pension dies, the total amount payable in respect of reversion, orphan's and dependant's pension and of family allowances shall not exceed the amount of the retirement pension and family allowances he would have received if he had reached the statutory age limit at the time of his death.
4. The amounts payable in respect of survivor's, reversion, orphan's and dependant's pensions shall, where applicable, be reduced in proportion to the share of each beneficiary.

### **Instructions**

#### **29/1 - Ceiling on benefits payable to a surviving spouse, former spouse, orphans and/or dependants**

*i) Save where Article 10, paragraph 3 applies, the maximum of the retirement pension referred to in Article 29, paragraph 1 shall be 70 per cent of the salary defined in Article 10, paragraph 1, as adjusted from time to time in the same way as the salaries referred to in Article 3, paragraph 2; the same adjustments shall be applied to the family allowances referred to in Article 29, as well as to retirement pensions, deferred or not, and to the invalidity pensions referred to in Article 29, paragraphs 2 and 3.*

ii) *The ceilings stipulated in Article 29 shall be reviewed whenever changes are made to the basis for calculating the benefits due.*

iii) *For the purposes of applying the instructions of this Article, account shall be taken of deductions actually made in respect of allowances received from another source.*

**29.3/1 - Ceiling in the event of the death of a person entitled to a deferred retirement pension or who was drawing an early retirement pension**

*Where a deceased former staff member was entitled to a deferred retirement pension or was drawing an early retirement pension, the family allowances to which he would have been entitled at age 60, but which were not paid, shall nevertheless be taken into account in calculating the ceiling referred to in Article 29.*

**29.3 /2 - Ceiling in the event of the death of a person drawing an invalidity pension under Article 14, paragraph 2**

*In the event of the death of a former staff member drawing an invalidity pension under Article 14, paragraph 2, the ceiling to be applied shall be the amount of the pension and allowances he was receiving at the time of his death.*

**29.4 /1 - Amount of the reduction applicable to survivors', reversion, orphans' and/or dependants' pensions**

*The reduction shall be applied to survivors', reversion, orphans' and/or dependants' pensions. The reduction shall be apportioned among the beneficiaries in proportion to the benefits payable in application of the provisions of Chapter IV (Survivor's and Reversion Pensions) and Chapter V (Orphan's Pension and Dependant's Pension).*

**29.4/2 - Statutory minimum amounts**

*The minimum amounts laid down shall not apply to survivors', reversion, orphans' and/or dependants' pensions reduced in accordance with the provisions of Article 29.*

## **CHAPTER VIII PROVISIONAL PENSIONS**

### **Article 30 – Conditions of entitlement**

1. Where a staff member or former staff member entitled to a retirement or invalidity pension has been missing for more than one year in circumstances justifying a presumption of death, the persons entitled under him may provisionally be awarded a survivor's, reversion, orphan's or dependant's pension, as appropriate.

2. The provisions of paragraph 1 above shall apply mutatis mutandis to persons recognised as dependants of a person in receipt of a survivor's or reversion pension, who has been missing for more than one year.

3. Provisional pensions under paragraphs 1 and 2 above shall be converted into definitive pensions when the death of the staff member, former staff member, spouse or former spouse has been established officially or when that person has been declared missing by a final Court decision.

#### **Instruction**

#### **30.3 - Forfeiture of rights**

*The time limits laid down by Article 35, paragraphs 2 and 3 shall run from the date of the Court decision declaring him to be missing, referred to in Article 30, paragraph 3.*

## CHAPTER IX DETERMINATION OF THE AMOUNTS OF BENEFITS

### Section 1: ASSESSMENT OF ENTITLEMENT

#### Article 31 – Organisation responsible for the assessment

1. The assessment of entitlement to the benefits payable under these Rules shall be made by the Organisation, with the assistance of the International Service for Remuneration and Pensions, also responsible for such part of the work as can be centralised.
2. A detailed statement of the assessment shall be communicated to the staff member or the persons entitled under him after approval by the Organisation.
3. Until this approval has been given, pensions shall be paid on a provisional basis.

#### Instruction

##### 31.2 - Pension Statement

- i) On the termination of service of a staff member, the Organisation shall draw up a statement of his pension rights on the form provided for this purpose.*

#### Article 32 – No double entitlement

1. Without prejudice to the application of Articles 4 and 5, the following may not be paid concurrently out of the Budgets the Organisation:
  - i) a retirement and an invalidity pension as provided for in these Rules or under the Rules of the New Pension Scheme;
  - ii) a retirement or invalidity pension and a loss-of-employment indemnity not paid as a lump sum ;
  - iii) two retirement pensions.
2. Recipients of a retirement or invalidity pension under the present Rules may not be granted the status of staff member in the meaning of Article 1. The modalities for double entitlement to a retirement pension and any other remuneration shall be defined by the Organisation.
3. Where they are due to the same cause, there can be no double entitlement to benefits under the present Rules and annuities under a scheme distinct from the Pension Scheme and financed by another Organisation.

#### Instructions

##### 32.1 - Double entitlement as regards retirement or invalidity pensions

- i) In view in particular of the rules contained in Article 5, paragraph 2, two retirement pensions under these Rules may not be paid by two Organisations.*
- ii) Double entitlement to a retirement and invalidity pension, granted under the present Rules, under the Rules of the New Pension Scheme or under the Rules of the Defined Benefit Funded Pension Scheme, shall be forbidden; in calculating an invalidity pension granted under Article 14, paragraph 1, the abatements prescribed in Article 5, paragraph 2 shall be applied in cases where retirement pension payments previously received have not been refunded.*



iii) *Double entitlement to a retirement or invalidity pension and to an indemnity for loss of employment paid month by month on the basis of the salary being received by the staff member at the time of leaving shall be prohibited.*

### **32.2 - Double entitlement to benefits granted under schemes distinct from the Pension Scheme**

*Where they are due to the same cause, the annuities or pensions for permanent invalidity or granted in the event of the death of a staff member or former staff member to the spouse and/or former spouse, orphans and/or dependants under a scheme distinct from the Pension Scheme shall be deducted from the amount of the relevant pensions due and calculated under the present Rules, if they were financed wholly or in part by the Organisation.*

### **Article 33 – Basis of calculation**

1. Pensions provided for in the Rules shall be calculated by reference to the salary defined in Article 3 and to the scales applicable to the country of the staff member's last posting.
2. However, if the former staff member settles subsequently:
  - i) in a Member country of the Organisation of which he is a national, or
  - ii) in a Member country of the Organisation of which his spouse is a national; or
  - iii) in a country where he has served the Organisation for at least five years he may opt for the scale applicable to that country.

The option shall apply to only one of the countries referred to in this paragraph, and shall be irrevocable except where paragraph 3 below is applicable.

3. On the death of his spouse, a former staff member who settles in the country of which he is a national, or of which such deceased spouse was a national, may opt for the scale applicable in that country.

The same option shall be open to the surviving spouse or former spouse of a former staff member and to orphans who have lost both parents.

4. These options, available under paragraphs 2 and 3, shall be irrevocable.

5. If the staff member, spouse, former spouse or orphan opts for the scale of a country referred to in paragraph 2, but there is no scale approved by the Organisation for that country, the scale applicable to the country in which the Organisation responsible for paying his pension has its headquarters shall be applied temporarily until a scale had been adopted for the country chosen.

6. The scales referred to in this Article are those in force on the first day of the month following that in which the staff member's appointment has ceased.

7. The provisions of paragraph 2 above do not apply to the benefits under Article 11. However, a staff member who settles in a country of which he is a national may have the leaving allowance provided for in Article 11 ii) calculated in accordance with the scale for that country, provided such a scale has been approved by the Organisation at the time of his departure.

### **Instructions**

#### **33/1 - Proof of residence**

*Within the meaning of Article 33, the settlement of a pensioner refers to his principal and effective residence, with the transfer of the permanent and usual centre of his interests and the will to confer stability to such a residence.*

*The option is granted as from the month following the date on which the pensioner proves, to the satisfaction of the Organisation, that he has his principal and effective residence in the country in question. The Organisation may in particular request:*

- *a recent certificate of residence;*
- *a certificate of removal from the population registry of the former place of residence;*
- *a copy of a recent invoice (water, gas, electricity, fixed telephone) established after the date of the removal and for the name and address of the person concerned;*
- *a copy of the rent contract or of the purchasing deed of the residence;*
- *a copy of the removal invoice;*
- *evidence of being subject to property or residence tax; or any other evidence it deems relevant.*

### **33/2 - Alteration due to the exercise of an option**

*Where, in application of Article 33, benefits under the Pension Scheme are to be calculated on the basis of a scale other than that which was in force at the time when the right to the benefits arose, then the amount of such benefits must, for the purpose of their payment as from the exercise of the option concerned, be recalculated on the basis of the said scale.*

### **33.3 /1 - Option in cases where there are beneficiaries belonging to different family groups**

- i) Where an option is exercised by a surviving spouse or by children both of whose parents are deceased, and there are other beneficiaries, benefits shall be apportioned in accordance with the provisions of Article 22 or Article 27, as the case may be, and with the Instructions thereto, on the basis of the scale applicable to the country of the staff member's or former staff member's last posting or, in cases to which Article 33, paragraph 2 applies, the scales for which an option has been exercised by the former staff member prior to his decease;*
- ii) the share of benefit apportioned to each beneficiary of the option shall be expressed as a percentage of the basic salary for the grade and step used in calculating the theoretical survivor's or reversion pension;*
- iii) the share apportioned to the beneficiary of the option referred to in Article 33, paragraph 3 shall be equal to the basic salary corresponding to the grade and step referred to in sub-paragraph ii) of the scale applicable in the country chosen, multiplied by the percentage referred to in the same sub-paragraph.*

### **33.5 - Calculation following approval of a new scale**

*In cases where Article 33, paragraph 5 is applied, benefits are calculated under the new scale as from the date of its entry into force, with no retroactive effect.*

## **Article 34 – Re-assessment – cancellation**

1. Benefits may be re-assessed at any time in the event of error or omission of any kind. Any undue payments must be reimbursed; they may be deducted from the benefits payable to the person concerned or to the persons entitled under him or from the amounts due to his estate. The reimbursement may be spread over a period.
2. Benefits shall be subject to modification or cancellation if their award was contrary to the provisions of these Rules.

## **Article 35 – Requirement of evidence - forfeiture of rights**

1. Persons who are eligible for benefits under these Rules shall inform the Organisation or the International Service for Remuneration and Pensions of any facts which may affect their entitlement to benefits and to furnish such supporting evidence as may be required of them.

Should they fail to comply with these obligations, they may be deprived of the right to benefits under this Scheme; save in exceptional circumstances, they shall refund any sums received to which they were not entitled.

2. Where the surviving spouse, orphans or other dependants of a deceased staff member or former staff member fail to apply for their pension within twelve months from the date of his death, payment of the benefits under these Rules may, at the discretion of the Organisation, be deferred until the first day of the month following that in which they make their application.

3. Where a staff member's or former staff member's former spouse referred to in Article 22 fails to apply for a pension within twelve months from the date of his death, the former spouse's rights may, at the discretion of the Organisation, be wholly forfeited.

### **Instructions**

#### **35.1/1 - Statement by staff member or persons entitled under him**

*Subject to the provisions of Instruction 30.3, the recipient of any benefit under the Pension Scheme Rules shall be required to fill out and sign the form to verify continuing entitlement which is sent to him every year.*

#### **35.1/2 - Refund of amounts incorrectly received**

*All amounts incorrectly received shall be refunded pursuant to Articles 34 and 35, in the manner prescribed in the Rules and Regulations applicable to staff serving in the Organisation, without prejudice to the special provisions laid down for implementing Article 42 with regard to taxation.*

#### **35.1/3 - Obligation on claimants to make themselves known**

*In the absence of a statement provided for under Instruction 35.1/1, it is the responsibility of persons entitled under a deceased staff member or former staff member to notify their existence to the Organisation which they consider to be liable for the payment to them of benefits under the Pension Scheme.*

#### **35.1/4 - Notifying beneficiaries**

*The Organisation shall then inform the beneficiaries concerned of the benefits which they may claim under the Pension Scheme Rules.*

## **Section 2: ADJUSTMENT OF BENEFITS**

### **Article 36 – Adjustment of benefits**

1. Whenever the salaries of staff serving in the Organisation are adjusted - whatever the basis for adjustment - an identical proportional adjustment will, as of the same date, be applied to both current and deferred pensions, by reference to the grades and steps and salary scales taken into consideration in the calculation of these pensions.

### **Instruction**

#### **36.1 - Notifying beneficiaries**

*Adjustments to pensions currently being paid shall be notified in writing to the persons entitled to such pensions, either by the Organisation or, as instructed by it, by the International Service for Remuneration and Pensions.*

### **Section 3: PAYMENT OF BENEFITS**

#### **Article 37 – Mode of payment**

1. Subject to the provisions of Article 11 and unless otherwise provided under these Rules, pensions, family allowances and provisions for tax adjustments shall be paid monthly in arrears.
2. These amounts shall be paid by the Organisation, or by the International Service for Remuneration and Pensions if it has been empowered to do so.
3. Benefits shall be paid in the currency used in their calculation in accordance with Article 33.
4. Benefits shall be paid to the recipient by bank transfer to an account either in the country of the scale used to calculate these benefits, or in the country where the recipient resides.

#### **Instruction**

##### **37.1 - Date of Payment**

*Pensions, family allowances and provisions for tax adjustments shall be paid in arrears on the last working day but two of the month to which they relate.*

#### **Article 38 – Sums owed to the organisation**

1. Any sum owed by a staff member, former staff member or pensioner to the Organisation at the date when the benefits are payable under these Rules shall be deducted from the amount of these benefits or from the benefits payable to those entitled under him. The deduction may be spread over a period.

#### **Instruction**

##### **38.1 - Buying back rights - Credit for past service**

*Any amounts remaining due on the death, recognition of invalidity or termination of service of a staff member, in respect of pension rights bought back under Article 5, shall constitute a debt owed to the Organisation by the staff member or the persons entitled under him or the estate.*

*Payment to the Organisation of any amounts thus owing shall be made pursuant to the special condition agreed to by the staff member at the time of his application to buy back or to be credited with pension rights; this condition shall give the Organisation a preferential right to deduct such amounts from the capital sums due at the time of death or recognition of invalidity, or of termination of service, where appropriate, under the conditions provided for in Instructions 5.1/1 and 5.1/2.*

#### **Article 39 – Right of subrogation**

1. Where a staff member's invalidity or death is attributable to a third party, the award of the benefits provided for in these Rules shall in principle be made subject to the beneficiary assigning to the Organisation his claims against such third party, up to the amount of such benefits.
2. However, the Organisation may waive its right to take action pursuant to such subrogation against the third party concerned where special circumstances justify such a waiver.

## **CHAPTER X FINANCING THE PENSION SCHEME**

### **Article 40 – Charge on budgets**

1. Benefits paid under this Pension Scheme shall be charged to the Budget of the Organisation responsible for the assessment of these benefits pursuant to Article 31.
2. The Member States of the Organisation jointly guarantee the payment of the benefits.
3. In the event of a merger, reconstitution or other transformation or in the event of dissolution of the Organisation, the Council or any ad hoc body set up, where required in one of the aforementioned cases, shall take the necessary measures to ensure uninterrupted payment of the Pension Scheme benefits until the cessation of entitlement of the last beneficiary.
4. Should a country, being a Member or ex-Member of the Organisation, fail to comply with its obligations under this Article, the other countries shall meet the cost thereof in proportion to their contribution to the budget of the Organisation as fixed annually from and after the said country's default.

### **Article 41 – Staff member's contribution - costing the scheme**

1. Staff members shall contribute to the Pension Scheme.
2. The staff members' contribution to the Pension Scheme shall be calculated as a percentage of their salaries and shall be deducted monthly.
3. The rate of the staff contribution shall be set so as to represent the cost, in the long term, of one- third of the benefits provided under these Rules.
4. The rate of the staff contribution shall be 9.5%.
5. An actuarial study shall be carried out every five years for the Co-ordinated Organisations, using the method described in Annex. In accordance with the result of that study, the staff contribution rate shall automatically be adjusted, with effect from the fifth anniversary of the preceding adjustment, the rate being rounded to the nearest first decimal.

However, in the event of exceptional circumstances, the Co-ordinating Committee on Remuneration (CCR) could recommend that the date of that study, and of any adjustment of the contribution rate resulting therefrom, be advanced.

In such a case, the normal 5-year interval between two studies and any adjustment of contributions resulting therefrom shall begin as from the date of that supplementary study except for a new application of the provisions of the preceding sub-paragraph.

6. Contributions properly deducted shall not be recoverable. Contributions improperly deducted shall confer no rights to pension benefits; they shall be refunded at the request of the staff member concerned or those entitled under him without interest.

### **Instructions**

#### **41.1/1 – Sickness**

*The staff members' contribution to the Pension Scheme shall be paid during sick leave and during periods of temporary incapacity following such leave if the staff member concerned continues to receive an allowance equal to the whole or part of his emoluments. This contribution shall be calculated in relation to the portion of the allowances corresponding to salary, but reckonable years of service shall be counted at the full rate, subject to the provisions applicable in the event of temporary incapacity during a period of part-time service.*

#### **41.1/2 - Leave for personal reasons**

*A staff member may not pay pension contributions during periods of leave for personal reasons of more than six months' duration, and during such periods the staff member shall not acquire any pension rights.*

*However, the persons entitled under him shall be entitled to receive benefits under the conditions set out in Instruction 18.1.*

### **CHAPTER XI PROVISIONS RELATING TO THE ADJUSTMENT OF PENSIONS**

#### **Article 42 - Pensions which are subject to national tax legislation**

1. The recipient of a pension under these Rules shall be entitled to the adjustment applying to the Member Country of the Organisation in which the pension and adjustment relating thereto are chargeable to income tax under the tax legislation in force in that country.

2. The adjustment shall equal 50 per cent of the amount by which the recipient's pension would theoretically need to be increased, were the balance remaining after deduction of the amount of national income tax or taxes on the total to correspond to the amount of the pension calculated in accordance with these Rules.

For such purpose, there shall be drawn up, for each Member country, in accordance with the Implementing Instructions referred to in paragraph 6, tables of equivalence specifying, for each amount of pension, the amount of the adjustment to be added thereto. The said tables shall determine the rights of the recipients.

3. In calculating the theoretical amount of income tax or taxes referred to in paragraph 2 of this Article, account shall be taken only of the provisions of tax legislation and regulations affecting the basis of liability and the amount of income tax or taxes for all pensioner-taxpayers in the country concerned.

Pensioners without spouse or dependants shall be deemed to be in the position of a pensioner without entitlement to any tax reliefs or allowances for family responsibilities, all other recipients being deemed to be pensioners enjoying the tax reliefs and allowances of a person who is married without children.

No account shall be taken:

of individual factors related to the personal circumstances or private means of a particular pensioner,

of income other than that arising under these Rules,

of the income of the spouse or dependents of the pensioner.

On the other hand, account shall, in particular, be taken of circumstances arising in the course of the year as a result of:

- a change in civil status or settlement in another place of residence with a different taxation system,
- commencement or cessation of payment of the pension.

4. The Organisation shall supply the Member Countries concerned with the names, forenames and full address of pensioners and the total amount of the pension and adjustment.

5. The recipient of an adjustment as specified in this Article shall be required to inform the Organisation of his full address and of any subsequent change therein.

Such recipient shall produce evidence of his pension and the relative adjustment having been declared or taxed; should he fail to comply with this obligation, he shall be deprived of the right to this adjustment and shall refund any amounts unduly received in this respect.

6. The other procedures for calculating the adjustment and, in particular, those necessitated by the special features of certain national tax laws, and the procedure for payment of the adjustment shall be laid down in the Implementing Instructions established in accordance with the tax legislation of Member Countries. Notwithstanding Article 52, the implementing provisions referred to in this paragraph shall require approval by the Council of Diplomatic Representatives of the Organisation.

## **Instructions**

### **42/1 - Scope and calculation of the adjustment**

1. *Article 42 of the Pension Scheme Rules shall apply only if the pension and the adjustment relating to it are subject to taxes on income levied in a Member Country of the Organisation. The family allowances provided for in Article 28 of the Pension Rules shall be assimilated to pensions in determining the tax adjustment in so far as similar allowances are taxable under the national tax legislation of the Member country.*

2. *The adjustment referred to in Article 42 of the Pension Scheme Rules shall be determined on the basis of the legal provisions relating to taxes on income in force in the Member country in which the pensioner is legally subject to such taxation. It shall be established in respect of pensions paid during the tax period as determined in that country.*

3. *Where the pension of a person entitled to the adjustment is paid in a currency other than that of the country in which such person is subject to taxes on income, the adjustment shall be determined on the basis of the pension converted into the currency of that country. Such conversion shall be effected at the rate obtained on the official exchange market.*

4. *Where the amounts paid during any tax period include arrears of pension relating to any previous period, the adjustment shall be determined or recalculated, as the case may be, with due regard to the tax treatment applicable to such arrears.*

### **42/2 - Establishment of tables of equivalence for payment of the adjustment**

1. *Tables of equivalence for payment of the adjustment shall be established for each tax year by the International Service for Remunerations and Pensions, hereinafter referred to as 'the Service'.*

2. *The tax authorities of Member countries shall provide the Service, at its request, with the details of legislation and regulations necessary for establishing the tables. The tables shall be checked and confirmed by the tax authorities of the Member country concerned. In the event of disagreement between such authorities and the Section on the content of the tables, the Secretaries-General and the Coordinating Committee shall consider the matter on the basis of Article 42 of the Pension Scheme Rules and of these Implementing Instructions.*

3. *Provisional tables of equivalence shall be drawn up prior to the commencement of the period to which they refer. They shall show, for rounded pension figures and in respect of each Member country, an amount equivalent to 90 per cent of the monthly adjustment calculated according to the distinctions contained in Article 42.3 of the Pension Scheme Rules and on the basis of the tax legislation in force at the time of drawing up the tables.*

4. *The provisional tables shall be revised whenever amendments to tax legislation involve a change in the amount of the adjustment. The Secretaries-General and the Coordinating Committee may however decide by mutual agreement to dispense with the up-dating of tables in cases where the balance of gain or loss is minimal.*

5. As soon as the authorities in Member countries have finally adopted the tax legislation applicable to income for the period covered by the provisional tables, these latter shall be replaced by final tables establishing the rights of recipients in accordance with Article 42.2 of the Pension Scheme Rules. These final tables shall show the amount of the adjustment for the whole of the period which they cover, as well as the monthly amount of the adjustment.

6. The provisional and final tables of equivalence shall be accompanied by all such information as is necessary for their use. Such information shall include:

- the rules to be observed in cases where changes in family status, dependants or permanent address (domicile) of the person entitled to the adjustment may affect the amount of the adjustment which the person concerned may claim;
- the names and addresses of the tax authorities to which the Organisation supply the information specified in Article 42.4 of the Pension Scheme Rules;
- the evidence to be supplied by persons entitled to the adjustment as proof of the declaration for tax purposes, or the taxation, of their pension and the adjustment relating thereto;
- the dates for making such declarations and for paying the tax in those Member countries which have been authorised to avail themselves of the provisions of Instruction 42/3, paragraph 2 below.

#### **42/3 - Method of payment of the adjustment**

1. The adjustment shall be paid by monthly instalments by way of advance at the same time as the pension and in an amount corresponding to that appearing in the provisional tables of equivalence referred to in Instruction 42/2, paragraph 3 above. The amounts of pension, arrears of pension and adjustment shall be shown separately on the instrument of payment issued to the recipient.

2. At the request of a country, the Secretaries-General and the Coordinating Committee may, by mutual agreement, decide that by way of exception to paragraph 1, there shall be a time lag in payment of the monthly instalments of the adjustment relating to that country, provided however that payment of the whole of the monthly instalments shall be finalised before the ultimate date for payment of the tax to which they refer.

3. As soon as the final tables of equivalence are available, the total amount of the monthly instalments paid in respect of the tax period shall be compared to the final amount of the adjustment due for the whole of that period. Any excess or shortfall shall be rectified but so however that the amount involved shall not be taken into account in determining the adjustment in respect of the following tax year.

4. The adjustments shall be paid in the currency of the country in which the recipient is subject to taxes on income.

#### **42/4 - Information to be supplied to Member countries by the Organisation**

1. The particulars specified in Article 42/4 of the Pension Scheme Rules shall consist of the following:

- a) a personal particulars form giving the name and forenames, full address and, where applicable, the residence for tax purposes (domicile fiscal) of the pensioner, the total amount of pension paid for the period constituting the tax year, the final amount of the adjustment arrived at for such period, and the amount of arrears of pension, identifying the year to which such arrears relate;
- b) a master list reproducing for each country, the information contained in the personal particulars form.



2. *The particulars listed in paragraph 1 of this Instruction shall be supplied to the tax authorities of the country in which the persons concerned are subject to taxes on income. A copy of the personal particulars form shall be sent to the pensioner and a copy of the master list shall be sent to the Representative of the country in question to the Organisation.*

3. *The obligations specified in this Instruction shall be complied with at the time of the rectification referred to in Instruction 42/3, paragraph 3 above.*

#### **42/5 - Evidence of payment of tax**

*The tax authorities referred to in Instruction 42/2, paragraph 6 above shall inform the Service of the evidence by which, in accordance with Article 42.5 of the Pension Scheme Rules, recipients of the adjustment may establish that their pension and the relevant adjustment have been declared for tax purposes or have been taxed.*

#### **42/6 - Financing the adjustment**

1. *The cost of the adjustment provided for in Article 42 of the Pension Scheme Rules shall be borne by the country in which the recipient thereof is subject to taxes on income for the period considered.*

2. *Expenditure arising under paragraph 1 of this Instruction shall be the subject of a separate budget which shall be drawn up at the same time as the other budgets of the Organisation. Final settlement of the contributions to this separate budget shall be made at the end of the period to which it relates.*

#### **42/7 - Transitional measures**

1. *Arrears of pension relating to tax periods prior to the approval of the Pension Scheme Rules by the Council shall be treated as contributions towards the purchase of pension rights to the extent that they are set off against capital due for the crediting of the pensioner's past service.*

2. *The effect of this provision on the amount of the adjustment shall be determined by the tax authorities mentioned in Instruction 42/2, paragraph 6 above, in collaboration with the Section.*

#### **42/8 - Date of effect**

*These Implementing Instructions shall take effect on the date of entry into force of the Pension Scheme Rules.*

## **CHAPTER XII FINAL PROVISIONS**

### **Article 43 – Detailed implementation**

1. *Instructions for the implementation of these Rules shall be drawn up by the Secretary General of the Organisation.*

### **Article 44 – Entry into force**

1. *These Rules shall enter into force on 1 June 1981.*

#### **Instruction**

#### **44.1 - Date of entry into force of the Implementing Instructions**

*The implementing Instructions shall enter into force on the date as laid down by the Secretary General of the Organisation.*

**APPENDIX 1**  
**SPECIAL PROVISIONS APPLICABLE**  
to officials recruited to work half-time  
and to officials authorised to work half-time  
for an indefinite duration

**Instructions**

**X.1** *Subject to the special provisions set out herein, the Pension Scheme Rules shall apply to officials recruited to work half-time and to officials authorised to work half-time for an indefinite duration.*

**X.2** *The special provisions applying to the officials referred to in Instruction X.1 above, who are working half-time at the date of entitlement to benefits under the Pension Scheme, shall be as follows:*

a) *The following shall be reduced by half:*

- i) *the maximum rate of the retirement pension under Article 10.2 of the Pension Scheme Rules, and the ceiling on the retirement pension under Article 10.3;*
- ii) *the rate of the invalidity pension as specified in Article 14.2 and the minimum amount of the invalidity pension as defined in Article 14.4;*
- iii) *the ceiling on the invalidity pension under Article 14.4 and the salary referred to in Article 15;*
- iv) *the minimum amounts for the survivor's pension under Article 19.3; the minimum amounts for the orphan's or dependant's pension for the primary beneficiary under Articles 25.2 and 25.3, and the increases under Articles 25.2 and 25.3 for the second and every further beneficiary of an orphan's or dependant's pension;*
- v) *the orphan's pension under Article 25.4;*
- vi) *the ceiling on benefits payable to survivors and orphans under Article 29;*

b) *periods of half-time service by officials referred to in Instruction X.1 above shall be deemed to be periods of actual service within the meaning of Article 7 of the Pension Scheme Rules;*

c) *for the purposes of Article 14.1 any period subsequent to cessation of work shall be treated as a period of half-time work.*

**X.3**

a) *The provisions in Instruction X.2 a) i), iii) and vii) above shall not apply to officials recruited to work full-time but subsequently authorised to work half-time for an indefinite duration.*

b) *Where the official satisfies the conditions prescribed in Article 7 of the Pension Scheme Rules on the date from which he is authorised to work half-time for an indefinite duration, benefits in accordance with Instruction X.2 above shall not be less than those to which the official or claimants to his rights would have been entitled if he had ceased to work for the Organisation at that date for any reason other than invalidity or death.*

**X.4** *Where an official is appointed by the Organisation to work half-time after having worked full-time for the Organisation, he shall be subject to the provisions of Instruction X.3 above, provided he pays over as appropriate the amounts specified in Article 5.1 or 5.2 of the Pension Scheme Rules, as the case may be.*

**APPENDIX 2****ANNEX TO ARTICLE 41 -- ACTUARIAL STUDIES**

**Periodicity:** At least every 5 years

**Method**

1. Calculation, as at the effective date of the study for the Co-ordinated Organisations, of the rate of contribution payable by staff in order to finance one-third of benefits provided under the Scheme, establishing the present value of future entitlements and salaries.
2. Projections of annual amounts of future entitlements will be calculated, on the one hand, for the overall population of staff members at the date of the study and, on the other hand, for the population of staff members who will be recruited in the years to come. Projections of salaries for these populations will also be established year by year. Each of these amounts will be discounted to present worth.
3. Combining these results will make it possible to determine the rate of contribution needed to finance one-third of benefits provided under the Scheme.

**Demographic assumptions**

4. The demographic assumptions are derived from detailed demographic studies for the Co-ordinated Organisations. These studies examine past experience over a period of fifteen years in tranches of five years so as to identify trends; they also take account of available forecasts regarding future numbers of staff.
5. The rates obtained are adjusted so as to eliminate distortions resulting from insufficient data in certain Organisations.

**Economic assumptions**

6. The discounting process is based on observed rates of return on long-term bonds issued in the reference countries, as from the date when they become a reference country.
7. A discount rate net of inflation shall be used. It shall be equal to the arithmetical average of average real rates observed over the thirty years preceding the date when the actuarial study is conducted.
8. The average real rate for a given past year is obtained from the real rates in each country, calculated as the difference between the rate of gross return on bonds and the corresponding rate of inflation, as shown by the national consumer price index. The average is obtained by weighting the real rate in each country by the number of serving staff in that country at the effective date of the study.

**Salary increase assumptions**

9. The salary increase assumptions are derived for each organisation from an analysis of the past experience over a period of 15 years in tranches of five years so as to identify trends. They also take account of available forecasts in that respect.

**ANNEX 7**  
**NEW PENSION SCHEME RULES**

**ANNEX 7**  
**RULES OF THE NEW PENSION SCHEME "NPS"**

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**ANNEX 7  
NEW PENSION SCHEME "NPS"**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1 – Scope**

1. The pension scheme established by these Rules, hereinafter referred to as the "New Pension Scheme" (NPS), applies to officials and staff members who took up duty after the 1 July 2012 and hold indefinite term or definite or fixed-term appointments in the Organisation.
2. The NPS shall not apply to other categories of personnel defined in the Organisation, such as experts, consultants, auxiliary staff, or personnel hired under local labour legislation, etc.
3. In these Rules, the term "Organisation" refers to the Hague Conference on Private International Law and the term "staff member" means the staff referred to in paragraph 1 above.

**Article 2 - Deferred entitlement**

1. Where the medical examination which every staff member has to undergo as part of the appointment process (and the consequences of which will have duly been expounded to him before his appointment) shows him to be suffering from an illness or disablement, the Organisation may decide that, as regards risks arising from an illness or disablement existing before he took up his duties, the said staff member shall not be entitled to the invalidity or death benefits provided for in these Rules until the expiry of a period not exceeding five years from the date of his appointment. If a staff member leaves an organisation which has adopted the NPS and, within a period of not more than six months, enters the service of another organisation which has also adopted the NPS, the time spent in the service of the first organisation shall be deducted from the period of deferred entitlement.

**Instructions**

**2.1/1 - Medical examination**

*The Organisation shall inform the staff member in writing of the application of a period of deferred entitlement and of its duration, which may be from one to sixty months. The Medical Consultant of the Organisation shall inform him in writing of the nature of the illness or disablement which justified the application of the deferment period.*

**2.1 /2 - Definition of entitlements during the deferment period**

- i) *If the staff member concerned leaves the Organisation during the deferment period, the leaving allowance shall be paid to him and the years of service completed during the deferment period shall be taken into account.*
- ii) *In the event of either permanent total invalidity or death resulting from a cause which justified the deferment period in course:*
  - a) *should such an event occur before the staff member has fulfilled the condition provided for in Article 7, the staff member or the beneficiaries shall be entitled to a lump sum, calculated in accordance with the provisions of Article 11;*

*b) should such an event occur after the staff member has fulfilled the condition provided for in Article 7*

*– and if this condition was fulfilled during the deferment period, the staff member or the beneficiaries shall be entitled to a lump sum calculated in accordance with the provisions of Article 11, in respect of the reckonable years of service credited within the meaning of Article 6;*

*– and if this condition was fulfilled prior to the deferment period, the staff member or the beneficiaries shall be entitled to both a lump sum calculated in accordance with the provisions of Article 11, in respect of the reckonable years of service completed during the deferment period, and the benefits to which they would have been entitled before the staff member's appointment.*

*iii) In the event of either permanent total invalidity or death resulting from either an accident at work, or an illness or disablement other than that which justified the deferment period, and which occurred after commencement of duties, the staff member or the beneficiaries shall be entitled to the benefits provided by the Pension Scheme for such events.*

### **Article 3 - Definition of salary**

1. Unless otherwise specified, for the purposes of these Rules, salary shall be the monthly basic salary of the staff member, according to the scales in force in the Organisation at the time when the pension is assessed, and updated in accordance with the provisions of Article 36.

### **Article 4 - Definition of service conferring entitlement to benefits**

1. Subject to the provisions of Articles 5 and 41, paragraph 1, entitlement to benefit under these Rules shall be determined by the total of the periods actually served in the Organisation or in another Organisation:

i) as a staff member;

ii) in any other capacity prior to appointment as a staff member, provided any periods so served were not separated by breaks of more than one year.

2. In addition to the total reckonable years of service thus calculated, a staff member may request, on cessation of work, that those corresponding to certain statutory allowances be taken into account, in particular payment in lieu of notice, for loss of employment, and for leave not taken, under the provisions laid down by Instruction.<sup>1</sup>

3. Periods of part-time service shall be taken into consideration in calculating entitlement to benefit under these Rules provided they correspond to at least half-time work as defined by the provisions laid down by Instruction.

4. The periods referred to in Article 16, paragraph 3 shall also be taken into consideration.

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<sup>1</sup> Unless otherwise specified, the term "provisions laid down by Instruction" refers, throughout these Rules, to the implementation provisions in Art. 44.



## **Instructions**

### **4.1 /1 - Service counting for entitlement**

*Service counting for entitlement shall consist of the following:*

- i) any periods of service completed as a staff member in the Organisation;*
- ii) any periods of sick leave or temporary incapacity in respect of which benefits have been paid; the staff member concerned shall be required to have paid his personal contribution to the Pension Scheme as calculated on the amounts so received; such periods shall be counted without any reduction;*
- iii) any periods of unpaid leave, if such periods are not taken into account by a new employer for the purposes of a pension scheme; the crediting of periods of unpaid leave equal to or less than two months shall be dependent on payment, for these periods, of the staff member's personal contribution to the Pension Scheme; the crediting of periods of unpaid leave beyond two months and up to a maximum of the four months following, shall be dependent on payment by the staff member, for these periods, of a contribution equal to three times his personal contribution to the Pension Scheme;*
- iv) any periods of secondment, should the staff member be reinstated, provided that these periods are not taken into account for the purposes of another pension scheme; the detailed rules for the crediting of such periods shall be laid down in the regulations applicable to staff.*

### **4.1 /2 - Service completed in another capacity before appointment as a permanent staff member**

*Periods of service referred to in Article 4.1 ii) may be taken into account in accordance with Article 5, paragraph 5, if the following conditions are fulfilled:*

- i) such periods must have been prior to the appointment as a staff member of the Organisation.*
- ii) such service must have been completed as a salaried employee of the Organisation or of another Organisation, working on a full- or at least half-time basis.*

*Such employment must have been remunerated according to periods of time and not by the job or piece, being service performed on the premises and under the control and to the instructions of the Organisation, according to its hours of work.*

*The staff member must have received all his emoluments for the service mentioned in the above sub-paragraph directly from the Organisation.*

- iii) any such periods completed in the service of the Organisation, must not have been broken for more than 12 consecutive months.*
- iv) in accordance with the provisions of Instruction 6.2, periods so to be taken into account must be of a minimum of thirty days; periods of part-time work, equal to or more than half time, shall be taken into account as a proportion of full time. The periods thus validated must total at least 30 days of full time.*

### **4.2 – Crediting of reckonable years of service corresponding to indemnities**

*A staff member may request, on cessation of work, the crediting of reckonable years of service corresponding to:*

- i) compensatory payments in respect of leave not taken;*
- ii) compensatory payments in lieu of notice;*

iii) *indemnity for loss of employment.*

*Such reckonable years of service shall be credited subject to payment by the staff member of the personal contribution to the pension scheme or Provident Fund in respect of all these amounts and insofar as the periods on which the calculation was based are not taken into account by a new employer for the purposes of a pension scheme.*

*Only reckonable years of service corresponding to periods below the statutory age limit may however be taken into account for the calculation of benefits provided for in these Rules.*

#### **4.3 - Definition of half-time service**

*A staff member shall be considered as working half-time, within the meaning of Article 4, paragraph 3, when the number of his working hours, calculated on a monthly basis, is equal to half the number of full-time working hours.*

### **Article 5 - Calculation of service conferring entitlement to benefits**

1. Where a staff member appointed by the Organisation has previously served with the Organisation or another Organisation, his entitlement to benefits under the terms of Article 4 shall be conditional upon his paying over to the Organisation which re-appoints him the amounts paid to him on leaving his previous service pursuant to Article 11 plus compound interest on such amounts at 4 % per annum from the date when the staff member received them until the date they are paid over in accordance with this paragraph. Should the staff member fail to pay over the amounts in question, reckonable service shall count only as from the new appointment.

2. Where a staff member appointed by the Organisation was previously drawing a retirement pension in respect of service with another Organisation, payment of that pension shall cease.

If the staff member refunds to the Organisation offering him a new appointment the pension payments he has received, the provisions of Article 4 shall apply on cessation of his new appointment.

If he does not make this refund, the years of service for which credit was acquired in the employment that originally entitled him to payment of the discontinued retirement pension shall be taken into account in the calculation of the retirement pension due on cessation of his new employment by reference to the salary for his last grading in such previous employment; moreover, that part of the final pension figure shall be abated by 5 per cent for each whole year during which the staff member drew the initial pension before the pensionable age.

3. Where a staff member ceases his functions at a grade and step lower than that which he had previously held in the Organisation or in another Organisation, his entitlement to benefits under these Rules shall be determined by taking into account the total of his reckonable years of service and the benefits shall be calculated on the basis of the salary for the highest grading held by him. However, a reduction shall be made in the number of years of service to be credited to him in respect of time served at a lower grade and step after having held the grade by reference to which benefits are calculated; this reduction shall be proportionate to the difference between the said gradings.

4. For the implementation of paragraphs 2 and 3 above, salaries shall be taken into account in accordance with the scales in force when the final pension assessment is made.

5. The crediting of the periods referred to in Article 4, paragraph 1 ii) shall be conditional on:

- i) the staff member submitting an application to that effect within six months following his taking up duty as a staff member; the application shall specify the periods of service with which the staff member wishes to be credited;
- ii) the Organisation giving its agreement;

iii) the staff member paying, for each month of service with which he is to be credited, the contribution provided for in Article 41, calculated on the basis of his first monthly salary as a staff member.

## **Instructions**

### **5.1 /1 - Service completed as a staff member**

i) *Application for any service referred to in Article 5, paragraph 1 or paragraph 2, to be taken into account must be made not later than twelve months after the new appointment.*

ii) *Where, pursuant to Article 11, the staff member received a leaving allowance at the end of his previous appointment, then pursuant to Article 5, paragraph 1, no partial crediting of such service shall be allowed; accordingly, the staff member concerned shall be required either to refund such leaving allowance in full or to forgo the right to have the corresponding service credited.*

iii) *Should the staff member fail to make a full refund immediately, he may be authorised to make such refund, at the latest, as from the expiry of the period referred to in sub- paragraph i) above, by monthly deductions of not less than 20 per cent of the basic monthly salary received at the time of beginning such refunds; compound interest at the rate of 4 per cent per annum shall be applied to the amount outstanding, until the refund has been made in full.*

iv) *If at the date on which any benefit under the Pension Scheme is payable, such refunds have not been completed, the balance still due shall be repaid in its entirety through deduction from the benefits to be paid, including those payable to persons entitled under the staff member. The Organisation may authorise payment by instalments, in which case compound interest at the rate of 4 per cent per annum shall be applied to the amount outstanding, until the refund has been made in full.*

v) *In the event of incapacity, death or termination of the service of the staff member concerned, any amount still remaining unpaid shall be set off against the capital sums due to him or to the persons entitled under him, in accordance with the provisions of Instruction 38.1, and the balance still due shall be deducted in accordance with the provisions of sub-paragraph iv) above.*

vi) *In the event of the termination of his service without any payment of leaving allowance or pension, the staff member concerned may request time not exceeding twenty-four months in which to make up all or part of any refund then still outstanding, subject to the provisions of sub-paragraph iv).*

### **5.1 /2 - Crediting of service completed before appointment as a staff member**

i) *Application to be credited with service completed before appointment as a staff member must be made within six months after confirmation of the said appointment.*

ii) *Persons entitled under a deceased staff member may not apply in his place for service to which this Instruction applies to be credited.*

iii) *Service shall be credited subject to payment of the contribution referred to in Article 41 as calculated on the basis of the first monthly salary as a staff member and multiplied by the number of months of service in respect of which rights are credited, a pro rata deduction being made, where appropriate, for part-time service. First monthly salary here means the salary corresponding to full-time employment in the grade and step of the staff member, whether he be recruited on a full-time or a part-time basis. Such payment may be made by instalments in the form of monthly deductions from emoluments, commencing not later than the end of the relevant period referred to in sub- paragraph*

i) above and spread over a period not exceeding the duration of the previous service so credited.

Interest at 4 per cent per annum shall be due in respect of any part of the payments which is deferred beyond such period at the request of the staff member.

If, at the date on which any benefit under the NPS is awarded, such payments have not been completed, the balance still due shall be deducted from the benefits to be paid, where necessary by instalments.

iv) On making his application to credit such service as aforesaid, the staff member shall be required to consent to the Organisation's having first claim on any capital sums payable in the event of his death or invalidity or of the termination of his service, to the extent of any amounts then still outstanding in respect of crediting such service.

v) In the event of the termination of his service, the staff member or persons entitled under him may request time not exceeding twelve months in which to make up any amount then still outstanding, subject to the provisions of sub-paragraphs iii) and iv) above.

## 5.2 - Non-refund of previous pension payments

Example illustrating the application of Article 5, paragraph 2, last sub-paragraph of the NPS:

- |   |  |   |
|---|--|---|
| <p>(i) First pension paid from age 52 to age 54:</p> <p>(<math>T'</math> = salary used as basis of calculation)<br/>(20 reckonable years of service at 2%)</p>                                | $\left( T' \times \frac{40}{100} \right)$  | <p>reduced pursuant to Article 8.4 of the Rules</p> |
| <p>(ii) Second period paid from age 54 to age 60:</p> <p>(<math>T''</math> = salary used as basis of calculation at age 60)<br/>(6 reckonable years of service at 2%) / leaving allowance</p> | $\left( T'' \times \frac{12}{100} \right)$ |   |

### Total pension

$$(i) + (ii) = \left[ \left( T' \times \frac{40}{100} \right) \times \frac{90}{100} \right] + \left[ \left( T'' \times \frac{12}{100} \right) \right]$$

$$\text{i.e. } 0.4 T' - 0.04 T' + 0.12 T''$$

- (iii) In the final calculation of the total pension, the pension between brackets

$$\left( T' \times \frac{40}{100} \right) \times \frac{90}{100}$$

*has now been reduced pursuant to Article 5, paragraph 2, not Article 8, paragraph 4, of the Rules; the amount as stated in i) above is reduced to 90%.*

$$\left( 2 \times \frac{5}{100} \right) \text{ i.e. } 10\%$$

### **5.3 - Termination of service at a lower grade**

*For the implementation of Article 5, paragraph 3, of the Rules, the calculation shall be made as illustrated below:*

*(i) On previous termination of service (or at highest point in career before downgrading):  
10 years' service, grading on departure, A5/5 = theoretical final salary: 100 = T'  
i.e. 10 years' reckonable service.*

*(ii) On final termination of service:*

*10 years served in second period,  
grading on departure, A4/5 = theoretical final salary: 75 = T"  
the reckonable service in respect of the second period will thus be reduced in the ratio:*

$$\frac{T'}{T'} = \frac{75}{100} \text{ i.e. } 7.5 \text{ reckonable years}$$

*(iii) Total: 10 + 7.5 = 17.5 years' reckonable service.*

*(iv) Total pension will be calculated on the basis of: T' = 100 x 17.5 reckonable years of service.*

### **Article 6 - Reckonable years of service**

1. The benefits provided for under these Rules shall be calculated by reference to reckonable years of service consisting of:

- i) service calculated in accordance with Articles 4 and 5;
- ii) service credited in accordance with Article 12, paragraph 1.

2. Incomplete years of reckonable service shall be taken into account on the basis of one-twelfth of a year for each whole month of service. For benefit calculation purposes the period remaining shall be treated as a whole month if it is equal to or more than 15 days.

However, the period remaining shall not be taken into account for the purpose of calculating the 10 years' service required for entitlement to the retirement pension provided for in Article 7.

3. In the case of part-time work:

- i) reckonable years of service shall be calculated in accordance with the ratio between the working hours corresponding to part-time service and the official number of hours for full-time work in the Organisation;

- ii) however, reckonable years of service shall not be reduced when the staff member authorised to work part-time has contributed to the NPS on the basis of full-time work, by paying, in addition to his personal contribution to the NPS for the part corresponding to his part-time work, a contribution equal to two and a half times the rate of contribution mentioned in Article 41, paragraph 3, on the difference in salary between his part-time work and the corresponding full-time work, under the provisions laid down by Instruction.

## **Instructions**

### **6.2 - Fractions of a month**

*Any fraction of less than thirty days remaining after aggregating periods of service shall be treated as a whole month if it is equal to or more than fifteen days and disregarded if it is less than fifteen days.*

### **6.3 – Non reduction of reckonable years of service**

*A staff member authorised to work part-time may request to contribute to the NPS on the basis of full-time work, provided that these periods are not taken into account by another employer for the purposes of a pension scheme and the amount of the supplementary contribution referred to in Article 6, paragraph 3 ii) is paid in accordance with the provisions of Article 41, paragraph 2. The staff member should make his request not later than the eighth day following the beginning of the period for which he is authorised to work part-time. This request shall be final, unless an exceptional derogation is granted by the Secretary General upon receipt of a duly justified request from the staff member.*

### **Article 6 bis -Part-time service - effects on the calculation of entitlement**

1. Where at the time of termination of his service an official was working part-time, the salary taken into account in calculating his pension entitlement shall be that payable for full-time work at his grade and step as provided in these Rules.
2. However, when an official terminating his service in the circumstances described in paragraph 1 above had been recruited to serve on a part-time basis, or authorised to work part-time for an indefinite period or for a fixed-term renewable by tacit agreement and if the provisions of Article 6, paragraph 3 ii) are not applied, the rate of the invalidity pension provided for in Article 14, paragraph 2, and the minimum and maximum amounts that apply, shall be set in accordance with the provisions laid down by Instruction.

## **Instructions**

### **6 bis.2/1 - Benefit payable to a staff member who has only worked part time**

- i) *For the purposes of calculating the benefit payable under Article 6 bis, paragraph 2, to a staff member who has only worked part time, the following shall be reduced by an amount corresponding to the ratio between the number of hours actually worked and the official number of hours for full-time work:*
  - (a) *the maximum rate of retirement pension provided for under Article 10, paragraph 2 and the maximum amount of retirement pension provided for under Article 10, paragraph 3;*
  - (b) *the rate of invalidity pension under Article 14, paragraph 2, and the minimum amount of invalidity pension provided for under Article 14, paragraph 4;*
  - (c) *the maximum amount of invalidity pension provided for under Article 14, paragraph 4, and the salary referred to in Article 15;*
  - (d) *the minimum amounts of survivor's pension provided for under Article 19, paragraph 3;*

(e) the minimum amounts of orphan's pension provided for the first beneficiary under Article 24, paragraphs 3 and 4, as well as the increases provided for under Article 24, paragraphs 3 and 4, for orphans in respect of the second and every further beneficiary;

(f) the amount of the dependant's pension provided for under Article 25, paragraph 2;

(g) the ceiling for benefits payable to survivors and orphans as defined in Article 29.

**6 bis.2/2 - Benefit payable to a staff member who, at the time of termination of his service, is working part time for an indefinite period or for a fixed period renewable by tacit agreement, having previously worked full time**

i) For the purposes of calculating the benefit payable under Article 6 bis, paragraph 2 to a staff member authorised to work part time for an indefinite period or for a fixed period renewable by tacit agreement, the following shall be reduced in accordance with the ratio between the number of hours actually worked and the official number of hours for full-time work:

(a) the rate of invalidity pension under Article 14, paragraph 2, and the minimum amount of invalidity pension provided for under Article 14, paragraph 4;

(b) the minimum amounts of survivor's pension provided for under Article 19, paragraph 3;

(c) the minimum amounts of orphan's pension provided for the first beneficiary under Article 24, paragraphs 3 and 4, as well as the increases provided for under Article 24, paragraphs 3 and 4 for the second and every further beneficiary of an orphan's pension;

(d) the amount of the dependant's pension provided for under Article 25, paragraph 2.

ii) However, when a staff member fulfils the conditions laid down in Article 7 at the date from which he is authorised to work part time for an indefinite period or for a fixed period renewable by tacit agreement, the benefit resulting from application of the provisions of sub-paragraph i) above, may not be less than that to which he or his authorised representatives would have been entitled had he ceased working for the Organisation at that date for a reason other than invalidity or death.

**CHAPTER II****RETIREMENT PENSION AND LEAVING ALLOWANCE****SECTION 1: RETIREMENT PENSION****Article 7 - Conditions of entitlement**

1. A staff member who has completed ten or more years' service, within the meaning of Article 4, in the Organisation shall be entitled to a retirement pension.

**Instructions****7.1 /1 - Service for the purposes of Article 4**

*For the purposes of Article 4, service as a staff member shall be:*

- *periods served in respect of which the staff member's contributions to the NPS have been paid in accordance with Article 5, paragraphs 1 and 5;*
- *periods referred to in Article 16, paragraph 3, in accordance with Article 4, paragraph 4.*

**7.1/2 - Part-time service**

*Without prejudice to Article 6, paragraph 3 i), periods of part-time service shall be considered periods of full-time service within the meaning of Article 7.*

**Article 8 - Age of entitlement, deferred or early pension**

1. A staff member shall become eligible for a retirement pension at the age laid down by the Organisation.

2. Pension rights shall continue to accrue to a staff member continuing to be employed after pensionable age, but his pension shall not exceed the maximum amount laid down in Article 10, paragraph 2.

3. If a staff member ceases his functions before pensionable age, payment of his retirement pension shall be deferred until he reaches that age.



4. However, a staff member who retires before pensionable age may request early payment of his pension 12 years before that age at the earliest. In such a case, the amount of the retirement pension shall be reduced by reference to the age of the staff member when his pension is assessed, as shown in the table below.

Age when pension is assessed	Ration of pension on early retirement to pension at age 63	
	<i>Former coefficients</i>	Current coefficients
51	0.51	0.53
52	0.54	0.56
53	0.56	0.59
54	0.60	0.62
55	0.63	0.65
56	0.66	0.68
57	0.70	0.72
58	0.74	0.76
59	0.79	0.80
60	0.83	0.84
61	0.89	0.89
62	0.94	0.94

An actuarial study of the reduction coefficients used in this table, based in particular on the relevant data from the study provided for in Article 41 on the contribution rate of staff members, shall be carried out at the same intervals as this latter study.

5. Where the Organisation terminates the appointment of a staff member, the reduction coefficient applicable to early payment of his pension shall be 3% a year between the age of 60 and the pensionable age. However, this provision does not apply when the Organisation terminated the appointment as a result of disciplinary action or for unsatisfactory service.

#### **Article 9 - Commencement and cessation of entitlement**

1. Entitlement to payment of a retirement pension shall commence on the first day of the month following that in which the person concerned became eligible for payment of the pension.
2. Entitlement shall cease at the end of the month in which the pensioner dies.

#### **Article 10 - Rate of pension**

1. The amount of the retirement pension shall be, per reckonable year of service within the meaning of Article 6, 2% of the salary corresponding to the last grade held by the staff member for not less than one year before cessation of his appointment and the last step held in that grade.
2. The maximum rate of the pension shall be 70% of this salary, subject to the provisions of paragraph 3 below.
3. The amount of the retirement pension shall not be less than 4 % of the salary for grade C1, step 1, per reckonable year of service credited pursuant to Article 6; it may not, however, exceed the staff member's last salary as defined in Article 3.

## Instructions

### 10.3/1 - Part-time service

*The minimum rate of the retirement pension shall be calculated on reckonable years' service, to be taken into account where applicable in fractions corresponding to any part-time service in accordance with Article 6, paragraph 3 i); this minimum shall therefore be equal to 4% of the salary for grade C1, step 1, per year of service thus credited.*

### 10.3/2 – Termination of service at a lower grade

*In cases where Article 5, paragraph 3 is applied, the minimum rate of the retirement pension shall be equal to 4% of the salary for grade C1, step 1, per reckonable year of service, without any reduction.*

## SECTION 2: LEAVING ALLOWANCE

### Article 11 - Leaving allowance

1. A staff member whose service ceases otherwise than by reason of death or invalidity and who is not entitled to a retirement pension nor to the benefit of the provisions of Article 12, paragraph 2, shall be entitled on leaving to payment of an amount equal to 2.25 times his rate of contribution as applied to his last annual salary, multiplied by the number of reckonable years of service credited within the meaning of Article 6, paragraph 1, i).<sup>2</sup>

2. The reckonable years of service credited in accordance with Article 12, paragraph 1 shall not be taken into account for the calculation of the leaving allowance but shall give rise to the payment of an actuarial equivalent calculated in accordance with Article 12, paragraph 2, unless the amounts initially transferred are refunded to the pension scheme concerned.

3. A staff member who is re-appointed by the Organisation after having received a leaving allowance must pay it back if the period during which he was not employed by the Organisation, in whatever capacity, is less than 12 months.

## Instructions

### 11.1/1 - Last annual salary

*"Last annual salary" shall be construed to mean the salary, as defined in Article 3, corresponding to the official's last grade and step, according to the scales in force at the time his service terminates, multiplied by twelve.*

### 11.1/2 – Rate of contribution

*In the case the rate of contribution is reviewed over the periods of service for which contributions to the pension scheme were paid pursuant to Article 4, the coefficient of 2.25 mentioned in Article 11.1 is applied to the successive contribution rates, prorata temporis.*

### 11.1 /3 - Staff member whose service terminates at the end of a period of unpaid leave

*When final termination of service occurs at the end of a period of unpaid leave during which no contributions were made to the NPS, the amounts stipulated in Article 11 shall, notwithstanding Instruction 11.1/1, be calculated on the basis of rights acquired and salary at the date of commencement of that period, without any subsequent adjustment or interest.*

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<sup>2</sup> See Art. 33, para. 7.

## 11.2 /1 – Compulsory repayment of the leaving allowance

*A staff member who has received a leaving allowance as provided in Article 11, paragraph 1, but whose service has not terminated according to Article 11, paragraph 2, shall repay the whole leaving allowance received upon his previous appointment, in accordance with the provisions laid down in instruction 5.1/1 sub-paragraphs iii) to vi). The time limit for application set out in instruction 5.1/1 i) shall not apply.*

## SECTION 3: INWARD AND OUTWARD TRANSFER OF PENSION RIGHTS

### Article 12 - Inward and outward transfer of pension rights

1. A staff member who enters the service of the Organisation after leaving the service of a government administration or national organisation, or international organisation, or a firm, may arrange for payment to the Organisation in accordance with the provisions laid down by Instruction, of any amounts corresponding to the retirement pension rights accrued under the pension scheme to which he was previously affiliated in so far as that scheme allows such a transfer.

In such cases, the Organisation shall determine, by reference to the provisions laid down by Instruction, the number of years of reckonable service with which he shall be credited under the present scheme.

2. A staff member who leaves the service of the Organisation to enter the service of a government administration or national organisation, or international organisation, , which has entered into an agreement<sup>3</sup> (\*) with the Organisation, shall be entitled to transfer to the pension fund of that administration or organisation:

- either the actuarial equivalent of his retirement pension rights accrued under these Rules, such equivalent being calculated in accordance with the provisions laid down by Instruction;
- or, in the absence of such rights, the amounts provided under Article 11.

## Instructions

### 12.1 - Inward transfer of previously accrued rights

#### i) *Previous periods of affiliation to a pension scheme*

*a) Reckonable years of service shall be credited pursuant to Article 12, paragraph 1, subject to the conditions set out in this Instruction, in respect of a period of affiliation to the last pension scheme prior to appointment in the Organisation. Such affiliation may cover periods served in several administrations, organisations or firms, on condition that all these rights have been taken into account by the pension scheme of the last administration, organisation or firm before appointment in the Organisation.*

*b) An amount shall be taken into account under this Instruction only if it has been certified by the previous pension scheme as being the amount of the actuarial equivalent of retirement pension rights or a capital payment in respect of rights to a pension or rights under a provident scheme (excluding compensation for dismissal or a leaving gratuity), and it must represent the total amounts paid to the staff member by the previous pension scheme in question. The "total amounts paid" shall be taken to mean the amounts representing the total rights transferable to the Organisation. Staff members shall not be entitled to transfer only part of their accrued rights where that part is not equal to the transferable maximum.*

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<sup>3</sup> Currently the Organisation does not have agreements with any other entities.

ii) *Amounts taken into account*

*For the purpose of calculating the reckonable years of service credited under Article 12, paragraph 1, the amounts indicated in sub-paragraph i) b) above shall be taken into account, as calculated by the previous pension scheme - as a capital sum, and with interest where applicable - as at the date on which they are paid to the Organisation;<sup>4</sup> any conversion into the currency of the salary paid by the Organisation shall be made at the rate of exchange in force on that date.*

iii) *Calculation of reckonable years of service*

*The number of reckonable years of service to be credited under Article 12, paragraph 1, shall be calculated on the basis of the table annexed to this Instruction, by dividing the amounts taken into account under sub-paragraph ii) above by the coefficient corresponding to the age of the staff member as at the date of payments of the amounts, and then by dividing the resultant amount by the theoretical value of a reckonable year of service (2% of the annual basic salary), established on the basis of the salary corresponding to the staff member's grade and step as at the date of payment of the amounts.*

iv) *Maximum number of reckonable years of service*

*Taking such reckonable years of service into account shall not have the effect of bringing the total pension up to more than the maximum rates prescribed in Article 10.*

v) *Time limits for application and revocation*

*Failing any special provisions in a reciprocal transfer agreement entered into by the Organisation, application for the amounts referred to in sub-paragraph ii) above to be taken into account by the Organisation shall be made in writing:*

- a) either within 6 months from the date of notification of confirmation of appointment after the probationary period;*
- b) or within twelve months from the date on which the previous pension scheme allowed such transfers.*

*The application to transfer pension rights may be revoked by the staff member at any time before the payments provided for in sub-paragraph ii) above have been made in accordance with sub-paragraph vi) below.*

*The application to transfer pension rights shall be null and void if the payments provided for in sub-paragraph ii) above have not been made at the time of the staff member's termination of service.*

vi) *Time limit for payment*

*Payment of the amounts referred to in sub-paragraph ii) above shall be made:*

- within three months after the expiry of the time limit prescribed in sub-paragraph v) above, if the person concerned has actually received such amounts from his previous employer;*
- on receipt of such amounts from the previous employer in other cases. Payment to the Organisation shall be made in the currency - or its equivalent value at the rate of exchange in force on the date of actual payment to the Organisation - in which the amounts referred to in sub-paragraph ii) above have been or will effectively be paid by the previous pension scheme.*

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<sup>4</sup> The accrued rights are invariably rights which are not yet due or the actuarial equivalent thereof.

**12.2 - Transfer of pension rights to an outside scheme***i) Time limit for application*

*a) Application for transfer of pension rights under Article 12, paragraph 2 must be made by the staff member to the Organisation in which his service has terminated, within six months after his definitive appointment by the new administration or organisation referred to in Article 12, paragraph 2.*

*b) If the Organisation is unable to conclude with the new administration or organisation referred to in Article 12, paragraph 2, an agreement for such transfer on terms which it considers satisfactory, it shall confine itself to making immediate payment of the amounts referred to in Article 11, paragraph 1, or to immediate or deferred payment of a retirement pension.*

*ii) Conditions as to transfer*

*The amounts referred to in Article 12, paragraph 2 may be transferred only to the pension fund of the administration or organisation referred to in Article 12, paragraph 2, that is to say, to the statutory or contractual pension scheme in force in that administration or organisation.*

*iii) Calculation of amounts to be transferred*

*The actuarial equivalent of the retirement pension rights referred to in Article 12, paragraph 2 shall be calculated on the basis of the table annexed to this Instruction, the annual pension acquired in the Organisation - established on the basis of the salary scale in force at the date on which the staff member ceases his functions - being multiplied by the coefficient corresponding to the age of the staff member at that date.*

## ANNEX TO INSTRUCTIONS 12.1 iii) AND 12.2 iii)

Age	Coefficient		Age	Coefficient	
	Former	Current		Former	Current
20	2,871	3,6689	45	7,732	8,5311
21	2,988	3,7953	46	8,031	8,8252
22	3,154	3,9261	47	8,342	9,1256
23	3,271	4,0615	48	8,664	9,4358
24	3,402	4,2016	49	8,999	9,7605
25	3,539	4,3443	50	9,347	10,0873
26	3,683	4,5010	51	9,708	10,4421
27	3,832	4,6561	52	10,085	10,7949
28	3,988	4,8140	53	10,476	11,1699
29	4,149	4,9804	54	10,885	11,5529
30	4,317	5,1479	55	11,310	11,9508
31	4,491	5,3280	56	11,755	12,3769
32	4,672	5,5114	57	12,220	12,7928
33	4,859	5,6988	58	12,707	13,2657
34	5,054	5,8972	59	13,218	13,7316
35	5,256	6,1009	60	13,755	14,2321
36	5,466	6,3071	61	14,322	14,7658
37	5,684	6,5236	62	14,923	15,3281
38	5,909	6,7452	63	15,564	15,8711
39	6,143	6,9790	64	16,133	16,0843
40	6,385	7,2138	65	16,719	16,2593
41	6,636	7,4584			
42	6,896	7,7159			
43	7,165	7,9815			
44	7,443	8,2530			

Table established on the basis of the assumptions used to determine the cost of the scheme at 31 December 2012

## CHAPTER III

### INVALIDITY PENSION

#### Article 13 - Conditions of entitlement - Invalidity board

1. Subject to the provisions of Article 2, an invalidity pension shall be payable to a staff member who is under the age limit laid down in the Staff Regulations and who, at any time during the period in which pension rights are accruing to him, is recognised by the Invalidity Board defined below to be suffering from permanent invalidity which totally prevents him from performing his job or any duties corresponding to his experience and qualifications which may have been proposed to him by the Organisation.

2. The Invalidity Board shall consist of three medical practitioners, the first two being appointed by the Organisation and the staff member, respectively, and the third one selected jointly by the first two. Cases shall be submitted to it by the Organisation either on its own initiative or at the request of the staff member concerned.

#### Instructions

##### 13/1 - Period of non-activity

*i) The invalidity pension shall not be payable if it results from an illness or accident occurring during unpaid leave or a period of non-active status which did not give rise to contributions to the NPS (leave for personal reasons, military service).*

*ii) On the other hand, it shall be payable if the events mentioned above occur during a period of non-active status which follows a period of sick leave, and during which the staff member is in receipt of an allowance for temporary incapacity; in such event, he shall continue to pay contributions to the NPS in accordance with Instruction 4.1/1 ii). The same shall apply to any periods of unpaid leave provided for under Instruction 4.1/1 iii).*

##### 13/2 - Invalidity Board

##### *Tasks of the Invalidity Board*

- i) Subject to the provisions of Article 2, the tasks of the Invalidity Board are:*
  - a) to ascertain whether a staff member is suffering from invalidity within the meaning of Article 13, paragraph 1.*
  - b) when an incident is recognised by the Organisation as falling within the scope of Article 14, paragraph 2 (work accident, occupational disease or public-spirited act), to decide to what extent the staff member's invalidity is the result thereof ;*
  - c) to decide whether, following an examination under Article 16, the former staff member no longer fulfils the conditions for entitlement to an invalidity pension.*

##### *Secretariat of the Invalidity Board*

- ii) The Organisation shall appoint a staff member as secretary of the Invalidity Board.*

##### *Convocation and composition of the Invalidity Board*

- iii) When the Invalidity Board is to be convened at the staff member's request, the request shall be addressed to the Head of Human Resources: it must include his formal application to be declared a permanent total invalid, and give the name of the medical practitioner who is to represent his interests on the Invalidity Board. The request may be accompanied by a medical file, under separate confidential cover.*

*Upon receipt of this request the Head of Human Resources shall forward it to the Organisation's medical adviser with a request to contact the medical practitioner nominated by the staff member. The staff member must ask his medical practitioner to forward to the Organisation's medical adviser all medical evidence in support of his application.*

*Within 30 calendar days following receipt of the staff member's request, the Head of Human Resources shall inform the medical practitioner nominated by the staff member of the name of the medical practitioner who will represent the Organisation on the Invalidity Board.*

*iv) When the Invalidity Board is to be convened at the request of the Organisation, the Head of Human Resources shall notify the staff member accordingly and ask him to make his observations, if any, and to nominate a medical practitioner to represent him on the Board, within 30 calendar days following receipt of the said notification.*

*This notification shall also state the name of the medical practitioner who will represent the Organisation on the Invalidity Board.*

*The Head of Human Resources shall ask the staff member to forward all medical documents concerning him to the medical practitioner representing the Organisation.*

*v) If one of the parties has not nominated a medical practitioner to represent it on the Invalidity Board within the prescribed time - limit, the other party shall ask the Chairman of the Appeals Board / Administrative Tribunal of the Organisation to appoint such a medical practitioner as soon as possible. He may, for this purpose, consult a list drawn up by:*

- a national judicial body, or*
- failing this, another national body of the staff member's duty station or home country.*

*vi) The third medical practitioner shall be selected by the other two within 30 calendar days at the most following notification of their names to the parties; failing agreement on this nomination within the prescribed time, the Chairman of the Appeals Board/ Administrative Tribunal shall nominate, at the request of either party, this third medical practitioner in accordance with the procedure set out in the above sub-paragraph.*

### **Meeting of the Invalidity Board**

*vii) The Invalidity Board shall meet at the latest within 60 calendar days following the appointment of the third medical practitioner.*

*viii) The Invalidity Board shall have at its disposal:*

- a) an administrative file submitted by the Head of Human Resources containing, in particular, an indication of the post occupied by the staff member in the Organisation together with a description of his duties and of any duties proposed to him by the Organisation corresponding to his experience and qualifications, so that the Board can give its opinion as to whether the staff member is incapable of carrying out those duties. This file shall also specify whether the application to be declared an invalid is likely to fall within the scope of Article 14, paragraph 2.*

*Before being forwarded to the Invalidity Board, the foregoing particulars shall be communicated to the staff member by the Head of Human Resources for his written comments, if any, to be sent by him to the Personnel Division within 15 calendar days following their receipt.*



b) a medical file containing the report presented by the medical representative of the party - the Organisation or the staff member - that has asked for the Board to be convened, and, if appropriate, the medical report presented by the other party, as well as any reports or certificates from the staff member's medical practitioner or from practitioners whom the parties have consulted. This medical file shall also contain details of the length of absences of the staff member concerned which have provided grounds for the Board to be convened, as well as the nature of the disability on which the Board is asked to give a ruling.

All these reports, documents and certificates must be communicated to the three medical practitioners.

ix) The proceedings of the Invalidity Board shall be secret. The Board may ask to hear the staff member concerned. It may also ask him to undergo an additional medical examination by a medical practitioner appointed by the Board.

x) The cost of the meeting of the Invalidity Board shall be met by the Organisation. The Organisation shall bear the fees and the travel expenses - the latter calculated according to the rules applicable to staff members - of the medical practitioner representing the staff member only when this practitioner lives in the country of the staff member's last duty station, his home country if he is living there at the time of the establishment of the lasting nature of his disability, or in the country of residence of the former staff member concerned.

xi) The findings of the Invalidity Board shall be determined by a majority vote. They shall be final except in the case of obvious factual errors and without prejudice to the competence of the Appeals Board / Administrative Tribunal.

#### **Findings under Article 13, paragraph 1 or Article 14, paragraph 2**

xii) The findings of the Invalidity Board shall state:

- whether or not the staff member suffers from permanent invalidity which totally prevents him from performing his duties or any duties proposed to him by the Organisation corresponding to his experience and qualifications.
- whether the invalidity results from an incident recognised by the Organisation as falling within the scope of Article 14, paragraph 2 (work accident, occupational disease or public-spirited act);
- the date on which the disability became lasting; this date may be prior to the date of the meeting of the Invalidity Board.

#### **Findings under Article 16**

xiii) Where the Board meets under Article 16, the findings of the Board shall state:

- whether the former staff member is incapable of performing the duties attaching to his former post or any duties proposed to him by the Organisation corresponding to his experience and qualifications; or,
- whether it has been found that the former staff member is no longer an invalid.

### **13/3 - Decision of the Secretary General**

#### ***Decision under Article 13, paragraph 1, or Article 14, paragraph 2***

*i) In accordance with the findings of the Invalidity Board and without prejudice to the competence of the Appeals Board / Administrative Tribunal, the Secretary General of the Organisation shall decide either:*

*a) to grant to the staff member concerned an invalidity pension under Article 13, paragraph 1, or Article 14, paragraph 2; this decision shall specify the date on which the pension takes effect; or,*

*b) not to recognise the staff member as an invalid within the meaning of the Rules.*

#### ***Decision under Article 16***

*ii) In accordance with the findings of the Invalidity Board and without prejudice to the competence of the Appeals Board / Administrative Tribunal, the Secretary General of the Organisation shall decide either:*

*a) to continue payment of the invalidity pension to the former staff member; or*

*b) no longer to recognise the staff member as an invalid within the meaning of the Rules and to terminate such payment, at a date which may not be prior to the meeting of the Board, in accordance with the conditions provided for in Instruction 16/3.*

#### ***Obvious factual error***

*iii) In the event of an obvious factual error, the Secretary General shall again refer the case to the Invalidity Board.*

#### ***Notification of the decision of the Secretary General***

*iv) Within 30 calendar days of receipt of the findings of the Invalidity Board, the Secretary General shall notify his decision in writing, together with the findings of the Invalidity Board, to the staff member or former staff member.*

### **Article 14 - Rate of pension**

1. Subject to the provisions of Article 5, paragraph 3, the invalidity pension shall be equal to the retirement pension to which the staff member would have been entitled at the age limit laid down in the Staff Regulations if he had continued to serve until that age, the requirement for a minimum of ten years' service under Article 7 not being applicable.

2. However, where the invalidity arises from an accident in the course of the performance of his duties, from an occupational disease, from a public-spirited act or from risking his life to save another human being, the invalidity pension shall be 70 per cent of salary. In the event of invalidity resulting from a cause other than these, the invalidity pension provided for in this paragraph may not be less than the invalidity pension which would be payable under paragraph 1 of this Article.

3. The salary used as a basis for the calculation of the invalidity pension referred to in paragraphs 1 and 2 above shall be the salary for the grade and step held by the staff member in accordance with the scales in force at the date laid down in Article 17, paragraph 1.

4. The invalidity pension shall not be less than 120 per cent of the salary for grade C1, step 1, but may not be more than the last salary, such salaries being those which appear in the scales in force at the date laid down in Article 17, paragraph 1, subject to any adjustments provided for under Article 36.

5. In the case of invalidity deliberately brought about by the staff member, the Organisation shall decide whether he should receive an invalidity pension or only a retirement pension or a leaving allowance, depending on his length of effective service.

## **Instructions**

### **14.1 - Part-time Service**

*Where a staff member working part time is found to be suffering from invalidity and the provisions of Article 6, paragraph 3 ii) are not applied, the period subsequent to the date on which he is recognised as unfit for service shall, for the purposes of calculating the invalidity pension provided for under Article 14, paragraph 1, be counted as a period of part-time work in the cases referred to in paragraph 2 of Article 6 bis.*

### **14.2 - Work accident and occupational disease**

*For the purposes of Article 14, paragraph 2, reference shall be made to the Rules applicable in the Organisation for the definition of the risks of work accident and occupational disease.*

## **Article 15 - Concurrent earnings**

1. Where a person in receipt of an invalidity pension is nevertheless gainfully employed, this pension shall be reduced by the amount by which his pension together with the remuneration he receives for the said employment exceeds the salary for the highest step in the grade he held at the time of his being recognised an invalid.
2. This reduction shall apply only up to the age limit laid down in the Staff Regulations.

## **Instruction**

### **15.1 - Double entitlement to an invalidity pension and other income**

- a) *By gainful employment under Article 15 is meant any employment outside the Organisation, as well as employment pursued therein, including as temporary, auxiliary or local official personnel or as an "employee", and also as an expert in receipt of fees.*
- b) *A person in receipt of an invalidity pension shall immediately notify the organisation which pays the pension of any gainful, non-occasional employment; in addition, he shall inform that organisation of the total amount of remuneration he received during the preceding calendar year, the reduction referred to in Article 15 thus being calculated on a monthly basis.*

*Express mention of this obligation shall be made in the decision notifying the award of an invalidity pension.*

## **Article 16 - Medical examination - termination of pension**

1. While a person receiving an invalidity pension is still under the age limit laid down in the Staff Regulations, the Organisation may have him medically examined periodically to ascertain that he still satisfies the conditions for entitlement to such pension, in particular having regard to any new duties corresponding to his experience and qualifications which may have been proposed to him by the Organisation.
2. When a person receiving an invalidity pension who has not reached the said age limit ceases to satisfy the conditions for entitlement to the invalidity pension, the Organisation shall terminate that pension.

3. The time during which the person concerned has received his invalidity pension shall then be reckoned, without payment of back contributions, for the calculation of the leaving allowance or retirement pension, as the case may be.

## **Instructions**

### **16/1 - Suspension of Invalidity Pension**

If the recipient of an invalidity pension fails to submit to medical examination as prescribed by the Organisation, payment of the invalidity pension may be suspended.

### **16/2 - Medical Examination and new Invalidity Board**

*The periodical medical examinations required under Article 16 shall normally take place at the place of residence of the person concerned, unless the Organisation requires otherwise or it is impracticable to have the person concerned examined at his place of residence.*

*Such examinations shall be carried out by a medical practitioner chosen by the Organisation; the latter shall bear the cost thereof, including travelling expenses of the person concerned if exceeding 50 km from his home. Should the medical practitioner chosen by the Organisation report that the staff member no longer satisfies the conditions of entitlement to an invalidity pension, notably having regard to any new duties proposed to him by the Organisation corresponding to his experience and qualifications, an Invalidity Board shall be convened in accordance with the provisions of Article 13 and its implementing Instructions.*

### **16/3 - Cessation of Entitlement to an Invalidity Pension**

*Where the Invalidity Board, in application of Article 16, paragraph 2, declares that the person concerned who is still under the age limit has ceased to satisfy the conditions of entitlement to an invalidity pension, the payment of that pension shall be terminated; if the person concerned does not resume work in the Organisation, he shall receive either a leaving allowance based on his years of service and years of invalidity where the total is less than 10 years, or a deferred or early retirement pension.*

### **16/4 - Re-entitlement to an Invalidity Pension**

*Where the person concerned is entitled to a deferred or early pension and subsequently suffers a relapse, while still under the age limit laid down in the Staff Regulations, resulting from the same condition as that which had entitled him to the previous invalidity pension, the Invalidity Board, convened at the staff member's request in accordance with instruction 13/2, shall declare that he once again effectively fulfils the conditions required under Article 13, paragraph 1, insofar as he is not receiving for that same condition an invalidity benefit or pension borne by another scheme.*

## **Article 17 - Commencement and cessation of entitlement**

1. Entitlement to an invalidity pension shall commence on the first day of the month following the date of the beginning of the invalidity as recognised by the Invalidity Board.

2. Subject to application of Article 16, paragraph 2:

- i) the invalidity pension payable under Article 14, paragraph 2 shall be paid for life;
- ii) in other cases, entitlement to an invalidity pension shall terminate:
  - either at the age limit laid down in the Staff Regulations
  - or at the end of the month in which the recipient of such a pension dies.

Where the invalidity pension terminates because the person concerned has reached the age limit laid down in the Staff Regulations, he shall, notwithstanding the ten-year minimum requirement provided for in Article 7, be entitled to a retirement pension calculated as follows:

- reckonable years of service shall be calculated as if he had remained in service until the age limit laid down in the Staff Regulations;
- the reference salary shall be that of his grade and step at the time of his being recognised an invalid, updated in accordance with Article 36.

## **CHAPTER IV SURVIVOR'S AND REVERSION PENSIONS**

### **Article 18 - Conditions of entitlement**

1. The surviving spouse<sup>5</sup> of a staff member who died in service shall be entitled to a survivor's pension, provided they had been married to each other for at least one year at the time of the staff member's death, unless the death resulted either from disablement or illness contracted in the performance of his duties, or from an accident.

2. A reversion pension shall be payable to the surviving spouse:

- i) of a former staff member drawing an invalidity pension, if they were married to each other for at least one year at the time of his being recognised an invalid; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of his death, or if the death resulted either from disablement or illness contracted in the performance of his duties, or from an accident;
- ii) of a former staff member drawing a retirement pension, if they had been married to each other for at least one year at the time when the former staff member's appointment ceased; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of the former staff member's death; or
- iii) of a former staff member entitled to a deferred pension, if they had been married to each other for at least one year at the time when the former staff member's appointment ceased; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of his death.

3. The above-prescribed conditions of anteriority or minimum duration of marriage shall not apply where there are one or more children of the marriage or of a marriage of the staff member contracted prior to the cessation of his appointment, inasmuch as the non-remarried surviving spouse is providing for their needs; in such case, the survivor's or reversion pension shall be payable under the derogation provided for in the present paragraph, for so long as the children are actually being so provided for.

When they are no longer being so provided for, the survivor's or reversion pension shall nonetheless continue to be payable for so long as the surviving spouse does not have an income of his own from the exercise of any occupation, or from any retirement pension or other survivor's or reversion pension, equal to at least the amount of the survivor's or reversion pension from the Organisation.

4. Entitlement to a survivor's or reversion pension shall be subject to the provisions of Article 2.

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<sup>5</sup> Wherever it occurs in these Rules, the expression "surviving spouse" applies indifferently to the wife or husband of the deceased staff member.

## Instruction

### 18.1 - Staff member dying during leave granted for personal reasons

*i) When a staff member who has completed at least 10 years' service within the meaning of Article 4 dies during a period of leave in respect of which no contributions were made to the NPS, the surviving spouse shall be entitled to:*

- *the survivor's pension under Article 19, paragraph 1, the minimum and maximum amounts of such pension being in accordance with paragraphs 3 and 4 of the same Article;*
- *and, where appropriate, the benefits specified in Article 28.*

*In addition, any orphans and/or dependants shall be entitled to the benefits specified in Articles 24 and 25.*

*ii) Where the deceased staff member had not completed ten years of service conferring entitlement, as defined in Article 4, the amounts provided for in Article 11 shall be paid to his estate; such amounts shall be calculated on the basis of rights acquired and salary at the date of termination of the period in respect of which contributions to the NPS were payable, without any subsequent adjustment or interest.*

### Article 19 - Rate of pension

1. The survivor's pension shall be 60% of the retirement pension that would have been payable to the staff member, had he not died in service, on the basis of his reckonable years of service credited up to the time of his death, the requirement for a minimum of ten years of service under the provisions of Article 7 not being applicable.

2. Where a staff member has died as the result of an accident in the course of the performance of his duties, from an occupational disease, from a public-spirited act or from risking his life to save another human being, the survivor's pension shall be 60 per cent of the invalidity pension to which the staff member would have been entitled, had he survived, under Article 14, paragraph 2.

3. The survivor's pension shall not be less than 35 per cent of the staff member's last salary; nor shall it be less than 100% of the salary for Grade C1, step 1.

4. When the former staff member was receiving a pension at the time of his death, the amount of the reversion pension shall correspond to the highest of the following amounts:

- 60% of the retirement or invalidity pension to which the former staff member was entitled at the time of the assessment of his pension, no account being taken of any reductions resulting from the application of Article 8, paragraph 4 or Article 15;
- 35% of the former staff member's last salary at the time of the assessment of his pension; or
- 100% of the salary for grade C1, step 1, under the scale in force at the time of the assessment of his pension.

These amounts shall be updated in accordance with the provisions of Article 36.

5. When the former staff member was not receiving a pension at the time of his death, the amount of the reversion pension shall correspond to the highest of the following amounts:

- 60% of the retirement pension to which the former staff member would have been entitled had he reached the pensionable age at the time of his death;

- 35% of the former staff member's last salary corresponding to his last grade and step, under the scale in force at the time of his death; or
- 100% of the salary for grade C1, step 1, under the scale in force at the time of the former staff member's death.

6. The amount of the reversion pension shall not exceed that of the pension received by the former staff member or, in cases provided for under paragraphs 4 and 5 above, the amount of the pension to which the former staff member would have been entitled had he reached, respectively, the statutory age limit or the pensionable age at the time of his death.

### **Article 20 - Reduction for difference in age**

1. Where the difference in age between the deceased staff member or former staff member and his younger surviving spouse and/or former spouse, minus the length of time they have been married, is more than ten years, the survivor's or reversion pension, calculated in accordance with the preceding provisions, shall be subject to a reduction, per year of difference, amounting to:

- 1% for the years between ten and twenty;
- 2% for the years twenty up to but not including twenty-five;
- 3% for the years twenty-five up to but not including thirty;
- 4% for the years thirty up to but not including thirty-five;
- 5% for the years from thirty-five upwards.

### **Article 21 – Remarriage**

1. Entitlement to a survivor's or reversion pension shall cease on remarriage. The surviving spouse or ex-spouse shall be entitled to immediate payment of a capital sum equal to twice the annual amount of the pension, if there are no dependent children to whom the provisions of Article 25, paragraph 4 apply.

2. The capital sum paid to the ex-spouse shall not be more than the amount to which he could still be entitled under Article 22, paragraph 1.

### **Instruction**

#### **21.1 Payment of the capital sum**

*The capital sum provided for under Article 21, paragraph 1 shall be calculated with reference to the amount of the pension at the date of remarriage, and paid to the recipient.*

### **Article 22 - Rights of a former spouse**

1. The non-remarried former spouse of a staff member or former staff member shall, on the latter's death, be entitled to a survivor's or reversion pension, provided that and for as long as the staff member or former staff member was, at the time of his death and by virtue of a court decision which had become final and binding, under an obligation to pay maintenance or compensation to the former spouse in a personal capacity; but the survivor's or reversion pension shall not exceed the amount of such payment.

This entitlement shall not arise if the former spouse remarried before the staff member or former staff member died. If remarriage takes place after the staff member's or former staff member's death and while the conditions laid down in the sub-paragraph above are still fulfilled, the provisions of Article 21 shall apply.

2. Where a staff member or former staff member dies leaving both a spouse entitled to a survivor's or reversion pension and a non-remarried former spouse fulfilling the conditions laid down in paragraph 1 above, the whole of the survivor's or reversion pension shall be divided between the before-mentioned persons in proportion to the duration of their marriages.

The amount to which a non-remarried former spouse is entitled shall however not be more than the amount of the maintenance or compensation payable at the time of the death of the staff member or former staff member.

3. Where one of the persons entitled to a survivor's or reversion pension renounces his share, ceases to satisfy the conditions for entitlement or forfeits his rights under Article 35, or where the amount of his pension has been restricted under the terms of the second sub-paragraph of paragraph 2 above, his share shall accrue to the share of the other person, except where pension rights revert to orphans, as provided under Article 25, paragraph 3, second sub-paragraph. In such a case, the restriction laid down in the second sub-paragraph 2 above shall apply.

4. Reductions in respect of difference in age as provided for in Article 20 shall be applied separately to survivors' and reversion pensions calculated in accordance with the present Article.

## **Instructions**

### **22.1 Rights of a non-remarried former spouse**

*i) The maintenance or compensation payments referred to in Article 22, paragraph 1 shall, where appropriate, be converted into the currency of the scale applicable to the country of the staff member's or former staff member's last posting or, in cases to which Article 33, paragraph 2 applies, of the scale for which an option has been exercised by the former staff member prior to his decease, by applying the rate of exchange used in the relevant Organisation at the date of decease of the latter;*

*ii) the maintenance or compensation payments referred to in the preceding sub-paragraph shall be subject to the same adjustments as those actually applied to the basic salary corresponding to the grade and step used to calculate the survivor's or reversion pension provided for under Article 19.*

## **Article 23 - Commencement and cessation of entitlement**

1. Entitlement to a survivor's or reversion pension shall commence from the first day of the month following that in which the staff member or former staff member died. If the salary of a staff member who died in service continues to be paid to a surviving spouse or former spouse, directly and in full, under the Staff Regulations and Rules of the Organisation, payment of the pension of the person concerned shall be deferred accordingly.

2. Entitlement to a survivor's or reversion pension shall cease at the end of the month in which the recipient of the pension dies or ceases to satisfy the conditions for entitlement to that pension.



**CHAPTER V****ORPHAN'S OR DEPENDANT'S PENSION****Article 24 - Rate of orphan's pension**

1. Where a staff member or former staff member receiving a retirement or invalidity pension or entitled to a deferred pension dies, his children shall be entitled to an orphan's pension if they fulfil the conditions laid down in paragraph 2.

2. The legitimate, natural or adopted children of a staff member or former staff member who has died shall be entitled to an orphan's pension:

- i) when the deceased or his household provided their main and continuing support at the time of death;
- ii) and when they satisfy the conditions of age, education or handicap required for the granting of the child's allowance.

The legitimate or natural children of a deceased staff member or former staff member who were born not more than 300 days after his death shall also be entitled to an orphan's pension.

3. Where there are one or more persons entitled to a survivor's or reversion pension, the amount of the orphan's pension shall correspond to the higher of the following amounts:

- i) 40% of the survivor's or reversion pension, no account being taken of reductions pursuant to Article 20; or
- ii) 50% of the salary for grade C1, step 1, according to the scale in force when the former staff member's pension was assessed, this amount being updated in accordance with the provisions of Article 36, or, if he was not receiving a retirement or invalidity pension, according to the scale in force at the time of death.

The orphan's pension shall be increased, in respect of the second and every further beneficiary, by an amount equal to the allowance for a dependent child.

The orphan's pension shall be brought up to the level provided for in paragraph 4 in the event of the beneficiaries of a survivor's or reversion pension remarrying or losing their right to that pension.

4. Where there are no beneficiaries of a survivor's or reversion pension, the orphan's pension shall correspond to the higher of the following amounts:

- i) 80% of the survivor's or reversion pension, no account being taken of reductions pursuant to Article 20; or
- ii) 100% of the salary for grade C1, step 1, according to the scale in force when the former staff member's pension was assessed, this amount being updated in accordance with the provisions of Article 36, or, if he was not receiving a retirement or invalidity pension, according to the scale in force at the time of death.

The orphan's pension shall be increased, in respect of the second and every further beneficiary, by an amount equal to twice the allowance for a dependent child.

5. The total amount of the orphan's pension shall be divided equally among all the orphans.

## Instructions

### 24.3 - Rate of pension for orphans dependent on a non-remarried former spouse

*Subject, where appropriate, to the provisions of Instructions 27.1/1 and 27.2/1, the provisions of Article 24, paragraph 3 shall apply where a staff member or former staff member dies leaving a non-remarried former spouse entitled to a survivor's or reversion pension under Article 22. In such a case, the orphan's pension shall be fixed without having regard to the reductions provided for in Articles 20 and 22.*

### 24.4 - Rate of pension for orphans belonging to another family group

*Subject to the provisions of Instructions 27/1.1 and 27.2/1, the provisions of Article 24, paragraph 4 shall also apply where a staff member or former staff member dies leaving a surviving spouse or former spouse on one side and orphans belonging to another family group on the other side.*

## Article 25 - Rate of pension for other dependants

1. Where a staff member or former staff member receiving a retirement or invalidity pension or entitled to a deferred pension dies, the persons (including children not fulfilling the conditions laid down in Article 24) recognised as satisfying the conditions for the granting of the child's or dependant's allowance under the Staff Regulations and Rules of the Organisation shall be entitled to a dependant's pension.
2. The pension paid to each dependant shall be equal to the lowest of the following amounts:
  - i) the amount, as recognised by the Organisation, of the support provided to that person by the staff member or former staff member at the time of his death;
  - ii) twice the amount of the dependant's allowance in force in the Organisation at the time of the death of the staff member or former staff member; or
  - iii) where an orphan's pension is paid, the amount of each orphan's share pursuant to Article 24, paragraph 5.

## Instruction

### 25.2 – Pension adjustment

*The amount of the dependant's pension referred to in this Article shall be subject to the same adjustments as those effectively applied to calculate the orphan's pension provided for under Article 24.*

## Article 26 - Commencement and cessation of entitlement

1. The pensions provided for under Articles 24 and 25 shall be payable as from the first day of the month following that in which the staff member or former staff member died. If the salary of a staff member who died in service continues to be paid to a surviving spouse or former spouse, directly and in full, under the Staff Regulations and Rules of the Organisation, payment of the pensions shall be deferred accordingly.
2. The pensions under Articles 24 and 25 shall cease to be payable at the end of the month in which the child or other dependant ceases to satisfy the conditions for entitlement to the allowance for a dependent child or dependent person under the Staff Rules and Regulations of the Organisation.

## Article 27 - Beneficiaries of more than one category

1. Where a staff member or former staff member leaves a spouse or former spouse, on the one hand, and children or dependent persons, on the other, with entitlement to a pension, the total pension, calculated as if for a surviving spouse having all these persons dependent on him, shall be apportioned among the various categories of persons concerned in proportion to the pensions which would have been payable to each category if treated separately.

2. Where there are children or dependent persons from different family groups, with entitlement to a pension, the total pension, calculated as though all were from the same family group, shall be apportioned among the various categories of beneficiaries in proportion to the pensions which would have been payable to each category if treated separately.

### Instructions

#### 27.1 – Beneficiaries of more than one category - General provisions

*In cases of coexistent pension entitlements of a spouse, former spouse(s), children and/or dependants, the "total pension" referred to in Article 27, paragraphs 1 and 2 is defined in Instructions 27.1/1 i) and 27.2/1 i) respectively. It shall be apportioned as follows:*

i) *If the beneficiaries are:*

- *the spouse, and*
- *former spouse(s)*

*with no dependent children and/or dependants, the pension shall be apportioned in accordance with the provisions of Article 22.*

ii) *If the beneficiaries are:*

- *the spouse or former spouse(s), on the one hand, and*
- *children and/or dependants, on the other,*

*belonging to different family groups, the pension shall be apportioned in accordance with the provisions of Instruction 27.1/1.*

iii) *If the beneficiaries are:*

- *the spouse or former spouse(s) with children and/or dependants, on the one hand, and*
- *orphans and/or dependent persons, on the other*

*belonging to different family groups, the pension shall be apportioned in accordance with the provisions of Instruction 27.1/2.*

iv) *If the beneficiaries are:*

- *the spouse, and*
- *former spouse(s)*

*one of whom at least has children and/or dependants, the pension shall be apportioned in accordance with the provisions of Article 22 for survivors' and reversion pensions, and of Instruction 27.2/1 for orphans' and/or dependants' pensions.*

v) *If the beneficiaries are:*

- *persons entitled to orphans' and/or dependants' pensions belonging to different family groups, the pension shall be apportioned in accordance with the provisions of Instruction 27.2/1.*

*Where, when Instructions 27.1/1, 27.1/2, 27.2/1 are applicable, one of the family groups is affected by a change in situation, the individual entitlement within the other family group shall remain calculated in accordance with the initial apportionment of benefits.*

**27.1 /1 – Coexistence of beneficiaries, without children or dependants, entitled to a survivor's or reversion pension on the one hand, and of orphans and/or dependants on the other, belonging to different family groups**

*i) In this case, the total pension referred to in Article 27, paragraph 1 shall be calculated as if all beneficiaries of the deceased staff member or former staff member formed part of a single family group. This total pension shall comprise:*

- a survivor's or reversion pension as would be payable to a surviving spouse of the deceased staff member or former staff member in accordance with Article 19 only;*
- orphans' pensions calculated as if all orphans of the deceased staff member or former staff member belonged to the family group entitled to the survivor's or reversion pension mentioned above;*
- dependants' pensions calculated theoretically as orphans' pensions before application of the provisions of Article 25, paragraph 2.*

*In accordance with Article 24, paragraph 3 ii), only one minimum orphan's pension (50% of C1/1) shall be taken into account in this calculation.*

*ii) The total pension shall be apportioned among:*

- the surviving spouse or non-remarried former spouse(s) and*
- orphans and/or dependants,*

*in proportion to the amounts which would have been payable directly to each of these family groups considered separately, after application of Articles 20 and 22 for the survivor's or reversion pension, Article 24 for orphans' pensions, and Article 25 for dependants' pensions.*

*iii) If the amounts so apportioned exceed the pensions to which the beneficiaries would have been entitled if they had been considered separately, including, for dependants' pensions, after application of Article 25, any such excess amounts shall not be payable.*

*iv) The minimum amounts laid down for survivors' and reversion pensions and for orphans' and/or dependants' pensions shall no longer apply to the shares actually attributed.*

**27.1 /2 – Coexistence of beneficiaries entitled to a survivor's or reversion pension with children and/or dependants on the one hand, and of orphans and/or dependants belonging to another family group on the other.**

*i) In this case, the total pension, calculated in accordance with Instruction 27.1/1 i), shall be apportioned among:*

- the surviving spouse or former spouse(s) and the children and/or dependants thereof and*
- the children and/or dependants belonging to another family group, in proportion to the amounts which would have been payable directly to each of these family groups considered separately, after application of Articles 20 and 22 for the survivor's or reversion pension, Article 24 for orphans' pensions, and Article 25 for dependants' pensions.*

ii) *Within the group consisting of a surviving spouse or former spouse(s) and orphans and/or dependants, the share going to that group shall be apportioned, for the purpose of calculating the individual entitlement of each member as mentioned above, in proportion to the survivor's or reversion pension on the one hand, and the orphans' and/or dependants' pensions on the other.*

iii) *If the amounts so apportioned exceed the pensions to which the beneficiaries would have been entitled if they had been considered separately, including after application of Article 25, any such excess amounts shall not be payable.*

iv) *The minimum amounts laid down for survivors' and reversion pensions and for orphans' and/or dependants' pensions shall no longer apply to the shares actually attributed.*

## **27.2 /1 – Coexistence of beneficiaries entitled to orphans' and/or dependants' pensions belonging to different family groups**

i) *In this case, the total pension referred to in Article 27, paragraph 2 shall be calculated as if all the persons entitled to an orphan's pension and/or dependant's pension formed part of a single family group. Before apportionment, dependants shall be treated in theory as orphans. This total pension shall comprise:*

- *a single orphan's pension calculated, as the case may be, in accordance with the provisions of Article 24, paragraph 3 i) if there are one or more persons entitled to a survivor's or reversion pension, or of Article 24, paragraph 4 i) where there are no such persons;*

- *orphans' pensions equal to the dependent child allowance where there are one or more persons entitled to a survivor's or reversion pension, or to double that allowance where there are no such persons.*

ii) *This total pension shall be apportioned among the different family groups in proportion to the pensions which would have been payable directly to each of these family groups considered separately.*

iii) *Within each family group, the share going to that group shall be divided equally among the beneficiaries before application of Article 25, where applicable.*

iv) *The minimum amounts laid down shall no longer apply to the shares actually attributed.*

## **CHAPTER VI FAMILY ALLOWANCES**

### **Article 28 - General provisions**

1. Household allowance, children's or dependants' allowance, handicapped child allowance and education allowance, paid to the staff members of the Organisation as family allowances, are granted according to the modalities and conditions of entitlement provided for under the Staff Regulations and Rules and under the present Rules :

i) to the recipient of a retirement pension as from the age of 60;

ii) to the recipient of an invalidity pension;

iii) to the recipient of a survivor's or reversion pension, in respect of the sole beneficiaries who were or would have been recognised as depending on the staff member or the former staff member if he had not died.

2. The double entitlement regulations apply to any allowance of a same nature, regardless of its name.

3. a) The household allowance shall be calculated by reference to the pension of the recipient.

b) Where the recipient of a survivor's or reversion pension is a staff member of the Organisation or is in receipt of a pension assessed by the Organisation, only one household allowance shall be granted.

c) Where the spouse of a person entitled to a pension referred to in paragraph 1 is a staff member of the Organisation or is in receipt of a pension assessed by the Organisation, the household allowance shall only be paid to one of the spouses.

d) Where the spouse of the recipient of a pension referred to in paragraph 1 is entitled, under another scheme, to an allowance of a same nature than the household allowance, only the difference between the amount of the allowance under the present scheme and that of the allowance received by the spouse under the other scheme shall be paid to the recipient of the pension.

4. Where the recipient of a pension referred to in paragraph 1, or his household or the beneficiary concerned, is entitled to allowances referred to in paragraph 1 and also, under another scheme and for the same person, to a children's or dependants' allowance, or a handicapped child allowance of a same nature than those referred to in paragraph 1, the Organisation shall only pay the difference between the amount of the allowances granted under the present scheme and that of the allowances received under the other scheme.

5. The deduction of family allowances received under another scheme, referred to in Article 28, paragraphs 3 and 4, shall be automatic, save where the recipient produces evidence that the above-mentioned scheme makes a deduction of the amounts received under the present scheme.

6. The amount of the allowance for a child or other dependant payable to the recipient of a survivor's or reversion pension shall be twice the normal amount.

7. Entitlement to the allowances provided for in this Article shall cease at the end of the month in which the conditions for entitlement to those allowances under the Staff Rules and Regulations of the Organisation are no longer satisfied.

## **Instructions**

### **28.1 - Entitlement**

*Entitlement to family allowances when pension benefits are being paid shall be subject to the conditions relating to the attribution of such allowances, in accordance with the Staff Regulations and Rules of the Organisation.*

#### **28.1/1 - Early pension**

*Family allowances shall not be paid before the age of 60 to the recipient of an early pension; in such a case, at the age of 60, the household allowance shall be calculated on the basis of the reduced pension, subject to the minimum prescribed by the relevant Staff Regulations and Rules; the other family allowances of fixed amount shall be granted without any reduction.*

#### **28.1/2 - Monthly payment**

*Family allowances shall be paid per whole month starting from the 1st of the month following that in which the entitlement has arisen and until the end of the month during which the entitlement ceases.*

### **28.1 /3 - Education allowance**

*i) Entitlement to the education allowance shall be maintained for children dependent on a former staff member provided that the recipient of a retirement or invalidity pension - or the recipient of a survivor's or a reversion pension - has never ceased residing in the country of the last posting since termination of service and in as much as he continues to reside in that country.*

*ii) In the event of the death of a staff member or of the recipient of a retirement or invalidity pension, without any survivor's or reversion pension being awarded, or in the event of the death of the recipient of a survivor's or reversion pension, any education allowance which was being paid at the time of the death shall continue to be paid unchanged in its amount, until the expiry of the current school or academic year.*

### **28.3 - Household allowance**

*The household allowance to which the recipient of a pension is entitled shall be calculated on the basis of his pension, but shall not be less than the minimum laid down in the scales in force in the Organisations listed in Article 1, save where the allowance is reduced on the basis of the income of the spouse.*

## **CHAPTER VII CEILING ON BENEFITS**

### **Article 29 – Ceiling on benefits**

1. Where a staff member dies, the total amount payable in respect of survivor's, orphan's and dependant's pensions and of family allowances shall not exceed the maximum of the retirement pension referred to in Article 10, paragraphs 2 and 3, together with the family allowances to which the deceased staff member was entitled. In any event, this total shall not exceed the last salary received by the staff member together with the family allowances to which he was entitled.

2. Where a former staff member receiving a retirement pension dies, the total amount payable in respect of reversion, orphan's and dependant's pensions and of family allowances shall not exceed the amount of the pension and family allowances received by the former staff member.

3. Where a former staff member entitled to a deferred or invalidity pension dies, the total amount payable in respect of reversion, orphan's and dependant's pension and of family allowances shall not exceed the amount of the retirement pension and family allowances he would have received if he had reached the statutory age limit at the time of his death.

4. The amounts payable in respect of survivor's, reversion, orphan's and dependant's pensions shall, where applicable, be reduced in proportion to the share of each beneficiary.

### **Instructions**

#### **29/1 - Ceiling on benefits payable to a surviving spouse, former spouse, orphans and/or dependants**

*i) Save where Article 10, paragraph 3 applies, the maximum of the retirement pension referred to in Article 29, paragraph 1 shall be 70 per cent of the salary defined in Article 10, paragraph 1, as adjusted from time to time in the same way as the salaries referred to in Article 3, paragraph 2; the same adjustments shall be applied to the family allowances referred to in Article 29, as well as to retirement pensions, deferred or not, and to the invalidity pensions referred to in Article 29, paragraphs 2 and 3.*

ii) *The ceilings stipulated in Article 29 shall be reviewed whenever changes are made to the basis for calculating the benefits due.*

iii) *For the purposes of applying the instructions of this Article, account shall be taken of deductions actually made in respect of allowances received from another source.*

**29.3/1 - Ceiling in the event of the death of a person entitled to a deferred retirement pension or who was drawing an early retirement pension**

*Where a deceased former staff member was entitled to a deferred retirement pension or was drawing an early retirement pension, the family allowances to which he would have been entitled at age 60, but which were not paid, shall nevertheless be taken into account in calculating the ceiling referred to in Article 29.*

**29.3 /2 - Ceiling in the event of the death of a person drawing an invalidity pension under Article 14, paragraph 2**

*In the event of the death of a former staff member drawing an invalidity pension under Article 14, paragraph 2, the ceiling to be applied shall be the amount of the pension and allowances he was receiving at the time of his death.*

**29.4 /1 - Amount of the reduction applicable to survivors', reversion, orphans' and/or dependants' pensions**

*The reduction shall be applied to survivors', reversion, orphans' and/or dependants' pensions. The reduction shall be apportioned among the beneficiaries in proportion to the benefits payable in application of the provisions of Chapter IV (Survivor's and Reversion Pensions) and Chapter V (Orphan's Pension and Dependant's Pension).*

**29.4/2 - Statutory minimum amounts**

*The minimum amounts laid down shall not apply to survivors', reversion, orphans' and/or dependants' pensions reduced in accordance with the provisions of Article 29.*

## **CHAPTER VIII PROVISIONAL PENSIONS**

### **Article 30 - Conditions of entitlement**

1. Where a staff member, or former staff member entitled to a retirement or invalidity pension has been missing for more than one year in circumstances justifying a presumption of death, the persons entitled under him may provisionally be awarded a survivor's, reversion, orphan's or dependant's pension, as appropriate.

2. The provisions of paragraph 1 above shall apply *mutatis mutandis* to persons recognised as dependants of a person in receipt of a survivor's or reversion pension, who has been missing for more than one year.

3. Provisional pensions under paragraphs 1 and 2 above shall be converted into definitive pensions when the death of the staff member, former staff member, spouse or former spouse has been established officially or when that person has been declared missing by a final Court decision.



**Instruction****30.3 - Forfeiture of rights**

*The time limits laid down by Article 35, paragraphs 2 and 3 shall run from the date of the Court decision declaring him to be missing, referred to in Article 30, paragraph 3.*

**CHAPTER IX  
DETERMINATION OF THE AMOUNTS OF BENEFITS**

**SECTION 1: ASSESSMENT OF ENTITLEMENT**

**Article 31 - Organisation responsible for the assessment**

1. The assessment of the benefits payable under these Rules shall be made by the Organisation with the assistance of the International Service for Remuneration and Pensions.
2. A detailed statement of the assessment shall be communicated to the staff member or the persons entitled under him after approval by the Organisation on the advice of the Pensions Administrative Committee of the Co-ordinated Organisations (PACCO) referred to in Article 43, paragraph 1.
3. Until this approval has been given, pensions shall be paid on a provisional basis.

**Instruction****31.2 - Pension Statement**

- i) On the termination of service of a staff member, the Organisation shall draw up a statement of his pension rights on the form provided for this purpose.*

**Article 32 - No double entitlement**

1. Without prejudice to the application of Articles 4 and 5, the following may not be paid concurrently out of the Budget of the Organisation:
  - i) a retirement and an invalidity pension as provided for in these Rules or under the Rules of the New Pension Scheme or of the Defined Benefit Funded Pension Scheme;
  - ii) a retirement or invalidity pension and a loss-of-employment indemnity not paid as a lump sum ;
  - iii) two retirement pensions.
2. Recipients of a retirement or invalidity pension under the present Rules may not be granted the status of staff member in the meaning of Article 1. The modalities for double entitlement to a retirement pension and any other remuneration shall be defined by the Organisation.
3. Where they are due to the same cause, there can be no double entitlement to benefits under the present Rules and annuities under a scheme distinct from the Pension Scheme and financed by the Organisation.

## Instructions

### 32.1 - Double entitlement as regards retirement or invalidity pensions

- i) In view in particular of the rules contained in Article 5, paragraph 2, two retirement pensions under these Rules may not be paid by two Organisations.*
- ii) Double entitlement to a retirement and invalidity pension, granted under the present Rules, under the Rules of the New Pension Scheme or under the Rules of the Defined Benefit Funded Pension Scheme, shall be forbidden; in calculating an invalidity pension granted under Article 14, paragraph 1, the abatements prescribed in Article 5, paragraph 2 shall be applied in cases where retirement pension payments previously received have not been refunded.*
- iii) Double entitlement to a retirement or invalidity pension and to an indemnity for loss of employment paid month by month on the basis of the salary being received by the staff member at the time of leaving shall be prohibited.*

### 32.2 - Double entitlement to benefits granted under schemes distinct from the Pension Scheme

*Where they are due to the same cause, the annuities or pensions for permanent invalidity or granted in the event of the death of a staff member or former staff member to the spouse and/or former spouse, orphans and/or dependents under a scheme distinct from the Pension Scheme shall be deducted from the amount of the relevant pensions due and calculated under the present Rules, if they were financed wholly or in part by the Organisation.*

## Article 33 - Basis of calculation

1. Pensions provided for under the NPS shall be calculated at the time of their assessment by reference to the salary defined in Article 3 and to the scales applicable to the country of the staff member's or former staff member's last posting.

2. However, if the former staff member settles subsequently:

- i) in a Member country of the Organisation or of another Organisation of which he is a national, or*
- ii) in a Member country of the Organisation or of another Organisation of which his spouse is a national; or*
- iii) in a country where he has served the Organisation or another Organisation for at least five years,*

he may opt for the scale applicable to the country in question. The option shall apply to only one of the countries referred to in this paragraph, and shall be irrevocable, except where paragraph 3 below is applicable.

3. On the death of his spouse, a former staff member who settles in the country of which he is a national, or of which such deceased spouse was a national, may opt for the scale applicable in that country.

The same option shall be open to the surviving spouse or former spouse of a former staff member and to orphans who have lost both parents.

4. These options, available under paragraphs 2 and 3, shall be irrevocable.

5. If the staff member, spouse, former spouse or orphan opts for the scale of a country referred to in paragraph 2, but there is no scale approved by the Organisation for that country, the scale applicable to the country in which the Organisation responsible for paying his pension has its headquarters shall be applied temporarily until a scale has been adopted for the country chosen.

6. The amount of the pension based on the scale chosen shall be calculated in accordance with Article 36.

7. The provisions of paragraph 2 above do not apply to the benefits under Article 11. However, a staff member who settles in a country of which he is a national may have the leaving allowance provided for in Article 11 calculated in accordance with the scale for that country, provided such a scale was approved by the Organisation at the time of his departure.

## **Instructions**

### **33/1 - Proof of residence**

*Within the meaning of Article 33, the settlement of a pensioner refers to his principal and effective residence, with the transfer of the permanent and usual centre of his interests and the will to confer stability to such a residence.*

*The option is granted as from the month following the date on which the pensioner proves, to the satisfaction of the Organisation, that he has his principal and effective residence in the country in question. The Organisation may in particular request:*

- *a recent certificate of residence;*
- *a certificate of removal from the population registry of the former place of residence;*
- *a copy of a recent invoice (water, gas, electricity, fixed telephone) established after the date of the removal and for the name and address of the person concerned;*
- *a copy of the rent contract or of the purchasing deed of the residence;*
- *a copy of the removal invoice;*
- *evidence of being subject to property or residence tax; or any other evidence it deems relevant.*

### **33/2 - Alteration due to the exercise of an option**

*Where, in application of Article 33, benefits under the NPS are to be calculated on the basis of a scale other than that which was in force at the time when the right to the benefits arose, then the amount of such benefits must, for the purpose of their payment as from the exercise of the option concerned, be recalculated on the basis of the said scale, in accordance with the provisions of Article 36, paragraph 5.*

### **33.3 - Option in cases where there are beneficiaries belonging to different family groups**

*i) Where an option is exercised by a surviving spouse or by children both of whose parents are deceased, and there are other beneficiaries, benefits shall be apportioned in accordance with the provisions of Article 22 or Article 27, as the case may be, and with the Instructions thereto, on the basis of the scale applicable to the country of the staff member's or former staff member's last posting or, in cases to which Article 33, paragraph 2 applies, the scales for which an option has been exercised by the former staff member prior to his decease;*

*ii) the share of benefit apportioned to each beneficiary of the option shall be expressed as a percentage of the basic salary for the grade and step used in calculating the theoretical survivor's or reversion pension;*

iii) the share apportioned to the beneficiary of the option referred to in Article 33, paragraph 3 shall be equal to the basic salary corresponding to the grade and step referred to in sub-paragraph ii) of the scale applicable in the country chosen, multiplied by the percentage referred to in the same sub-paragraph.

#### **33.4 - Calculation following approval of a new scale**

*In cases where Article 33, paragraph 5 is applied, benefits are calculated under the new scale as from the date of its entry into force, with no retroactive effect.*

#### **Article 34 - Re-assessment – cancellation**

1. The benefits provided for under the NPS may be re-assessed at any time in the event of error or omission of any kind. Any undue payments must be reimbursed. They may be deducted from the benefits payable to the person concerned or to the persons entitled under him or from the amounts due to his estate. The reimbursement may be spread over a period.

2. Benefits shall be subject to modification or cancellation if their award was contrary to the provisions of these Rules.

#### **Article 35 - Requirement of evidence - forfeiture of rights**

1. Persons who are eligible for benefits under these Rules shall notify the Organisation or the International Service for Remuneration and Pensions of any facts which may affect their entitlement to benefits and to furnish such supporting evidence as may be required of them.

Should they fail to comply with these obligations, they may be deprived of the right to benefits under this Scheme; save in exceptional circumstances, they shall refund any sums received to which they were not entitled.

2. Where the surviving spouse, orphans or other dependants of a deceased staff member or former staff member fail to apply for their pension within twelve months from the date of his death, payment of the benefits under these Rules may, at the discretion of the Organisation, be postponed until the first day of the month following that in which they make their application.

3. Where a staff member's or former staff member's former spouse referred to in Article 22 fails to apply for her pension within twelve months from the date of his death, his rights may, at the discretion of the Organisation, be wholly forfeited.

#### **Instructions**

##### **35.1/1 - Statement by staff member or persons entitled under him**

*Subject to the provisions of Instruction 30.3, the recipient of any benefit under the Pension Scheme Rules shall be required to fill out and sign the form to verify continuing entitlement which is sent to him every year.*

##### **35.1/2 - Refund of amounts incorrectly received**

*All amounts incorrectly received shall be refunded pursuant to Articles 34 and 35, in the manner prescribed in the Rules and Regulations applicable to staff serving in the Organisation, without prejudice to the special provisions laid down for implementing Article 42 with regard to taxation.*

##### **35.1/3 - Obligation on claimants to make themselves known**

*In the absence of a statement provided for under Instruction 35.1/1, it is the responsibility of persons entitled under a deceased staff member or former staff member to notify their existence to the Organisation which they consider to be liable for the payment to them of benefits under the NPS.*

**35.1/4 - Notifying beneficiaries**

*The Organisation shall then inform the beneficiaries concerned of the benefits which they may claim under the Pension Scheme Rules.*

**SECTION 2: ADJUSTMENT OF PENSIONS****Article 36 - Adjustment of pensions**

1. The Organisation shall adjust pensions, every year, in accordance with the revaluation coefficients based on the consumer price index for the country of the scale used to calculate each pension.

It shall also adjust them in the course of the year, for any given country, when prices in that country show an increase of at least 6%.

2. At regular intervals, the Secretary General shall establish a comparison of the difference between increases in salary and increases in pensions, and may, where appropriate, propose measures to reduce it.

3. Where a person receiving a pension dies, and reversion, orphan's or dependant's pensions are due, the following calculation shall be made:

- pensions shall be calculated with reference to the scale in force at the date of the assessment of the entitlement of the deceased former staff member;
- the amounts thus determined shall be updated, as from that date, by application of the pensions revaluation coefficients for the country in question.

4. Where a person receiving an invalidity pension not awarded under Article 14, paragraph 2 reaches the age limit laid down in the Staff Rules and Regulations, his invalidity pension shall be converted, in accordance with Article 17, paragraph 2, to a retirement pension calculated using the method referred to in paragraph 3 above.

5. Where the person receiving a pension exercises one of the options under Article 33, the following calculation shall be made:

- the pension shall be recalculated with reference to the scale in force at the date of its assessment for the country selected;
- the amount thus determined shall be updated, as from that date, by application of the pensions revaluation coefficients for the country in question.

**Instruction****36.1/1 - Notifying beneficiaries**

*Adjustments to pensions currently being paid shall be notified in writing to the persons entitled to such pensions, either by the Organisation or, as instructed by it, by the International Service for Remuneration and Pensions.*

**36.1/2 - Consumer price indices**

*Consumer price trends will be monitored with reference to the consumer price indices used in the remuneration adjustment procedure in force in the Organisation.*

### SECTION 3: PAYMENT OF BENEFITS

#### Article 37 - Mode of payment

1. Subject to the provisions of Article 11 and unless otherwise provided under these Rules, pensions, family allowances and provisions for tax adjustments shall be paid monthly in arrears.
2. These amounts shall be paid by the Organisation, or by the International Service for Remuneration and Pensions if it has been empowered to do so.
3. Benefits shall be paid in the currency used in their calculation in accordance with Article 33.
4. Benefits shall be paid to the recipient by bank transfer to an account in the country whose scale was used for calculating these benefits, or in the country in which he resides.

#### Instruction

##### 37.1 - Date of Payment

*Pensions, family allowances and provisions for tax adjustments shall be paid in arrears on the last working day but two of the month to which they relate.*

#### Article 38 - Sums owed to the organisation

1. Any sum owed by a staff member, former staff member or pensioner to the Organisation which pays the pension at the date when the benefits are payable under these Rules shall be deducted from the amount of these benefits or from the benefits payable to those entitled under him. The deduction may be spread over a period.

#### Instruction

##### 38.1 - Buying back rights - Credit for past service

*Any amounts remaining due on the death, recognition of invalidity or termination of service of a staff member, in respect of pension rights bought back under Article 5, shall constitute a debt owed to the Organisation by the staff member or the persons entitled under him or the estate.*

*Payment to the Organisation of any amounts thus owing shall be made pursuant to the special condition agreed to by the staff member at the time of his application to buy back or to be credited with pension rights; this condition shall give the Organisation a preferential right to deduct such amounts from the capital sums due at the time of death or recognition of invalidity, or of termination of service, where appropriate, under the conditions provided for in Instructions 5.1/1 and 5.1/2.*

#### Article 39 - Right of subrogation

1. Where a staff member's invalidity or death is attributable to a third party, the award of the benefits provided for in these Rules shall in principle be made subject to the beneficiary assigning to the Organisation his claims against such third party, up to the amount of such benefits.
2. However, the Organisation may waive its right to take action pursuant to such subrogation against the third party concerned where special circumstances justify such a waiver.

## CHAPTER X

### FINANCING THE PENSION SCHEME

#### Article 40 - Charge on budgets

1. Benefits paid under this Pension Scheme shall be charged to the Budget of the Organisation responsible for the assessment of these benefits pursuant to Article 31.
2. The Member States of the Organisation jointly guarantee the payment of the benefits.
3. In the event of a merger, reconstitution or other transformation or in the event of dissolution of the Organisation, the Council or any ad hoc body set up, where required in one of the aforementioned cases, shall take the necessary measures to ensure uninterrupted payment of the Pension Scheme benefits until the cessation of entitlement of the last beneficiary.
4. Should a country, being a Member or ex-Member of the Organisation, fail to comply with its obligations under this Article, the other countries shall meet the cost thereof in proportion to their contribution to the budget of the Organisation as fixed annually from and after the said country's default

#### Article 41 - Staff member's contribution - costing the scheme

1. Staff members shall contribute to the NPS.
2. The staff members' contribution shall be calculated as a percentage of their salaries and shall be deducted monthly.
3. The rate of the staff contribution shall be set so as to represent the cost, in the long term, of 40% of the benefits provided under these Rules. The rate shall be 9.3%. This rate shall be reviewed every five years on the basis of an actuarial study, the procedures for which are appended hereto. The staff contribution rate shall be adjusted, with effect from the fifth anniversary of the preceding adjustment, the rate being rounded to the nearest first decimal.
4. Contributions properly deducted shall not be recoverable. Contributions improperly deducted shall confer no rights to pension benefits; they shall be refunded at the request of the staff member concerned or those entitled under him without interest.

#### Instructions

##### 41.1/1 – Sickness

*The staff members' contribution to the NPS shall be paid during sick leave and during periods of temporary incapacity following such leave if the staff member concerned continues to receive an allowance equal to the whole or part of his emoluments. This contribution shall be calculated in relation to the portion of the allowances corresponding to salary, but reckonable years of service shall be counted at the full rate, subject to the provisions applicable in the event of temporary incapacity during a period of part-time service.*

##### 41.1/2 - Leave for personal reasons

*A staff member may not contribute to the NPS during periods of leave for personal reasons of more than six months' duration, and during such periods the staff member shall not acquire any pension rights. However, the persons entitled under him shall be entitled to receive benefits under the conditions set out in Instruction 18.1.*

## **ANNEX TO ARTICLE 41 -- ACTUARIAL STUDIES**

### **Method**

1. Calculation, as at the effective date of the study, for all the Co-ordinated Organisations which have adopted the NPS, of the rate of contribution payable by staff in order to finance 40% of benefits provided under the Scheme, establishing the present value of future entitlements and salaries.
2. Projections of annual amounts of future entitlements will be calculated, on the one hand, for staff affiliated to the NPS at the date of the study and, on the other hand, for the population of staff who will be recruited and affiliated to this scheme in the years to come. Projections of salaries for these populations will also be established year by year. Each of these amounts will be projected over a period of 80 years and discounted to present worth.
3. Combining these results will make it possible to determine the rate of contribution needed to finance 40% of benefits provided under the Scheme.

### **Demographic and salary-related assumptions**

4. The demographic assumptions are derived from detailed demographic studies for each of the Co-ordinated Organisations which have adopted the NPS. These studies examine past experience over a period of 15 years, where the information is available, and also take account of available forecasts regarding future staff numbers.
5. The assumptions relating to salaries are based on detailed observation of the past, over a period of 15 years, where the information is available, and also take account of practices and forecasts available in this field.
6. The rates obtained are adjusted so as to eliminate distortions resulting from insufficient data in certain organisations.

### **Economic assumptions**

7. The discounting process is based on observed rates of return on long-term government bonds issued in the reference countries, as from the date when they become a reference country.
8. A discount rate net of inflation shall be used. It shall be equal to the arithmetical average of average real rates observed over the thirty years preceding the date when the actuarial study is conducted.
9. The average real rate for a given past year is obtained from the real rates in each country, calculated as the difference between the rate of gross return on bonds and the corresponding rate of inflation, as shown by the national consumer price index. The average is obtained by weighting the real rate in each country by the number of serving staff in that country at the effective date of the study.



## CHAPTER XI PROVISIONS RELATING TO THE ADJUSTMENT OF PENSIONS

### Article 42 - Pensions which are subject to national tax legislation

1. The recipient of a pension under these Rules shall be entitled to the adjustment applying to the Member Country of the Organisation in which the pension and adjustment relating thereto are chargeable to income tax under the tax legislation in force in that country.

2. The adjustment shall equal 50 per cent of the amount by which the recipient's pension would theoretically need to be increased, were the balance remaining after deduction of the amount of national income tax or taxes on the total to correspond to the amount of the pension calculated in accordance with these Rules.

For such purpose, there shall be drawn up, for each Member country, in accordance with the Implementing Instructions referred to in paragraph 6, tables of equivalence specifying, for each amount of pension, the amount of the adjustment to be added thereto. The said tables shall determine the rights of the recipients.

3. In calculating the theoretical amount of income tax or taxes referred to in paragraph 2 of this Article, account shall be taken only of the provisions of tax legislation and regulations affecting the basis of liability and the amount of income tax or taxes for all pensioner-taxpayers in the country concerned.

4. Pensioners without spouse or dependants shall be deemed to be in the position of a pensioner without entitlement to any tax reliefs or allowances for family responsibilities, all other recipients being deemed to be pensioners enjoying the tax reliefs and allowances of a person who is married without children.

No account shall be taken:

- of individual factors related to the personal circumstances or private means of a particular pensioner,
- of income other than that arising under these Rules,
- of the income of the spouse or dependants of the pensioner.

On the other hand, account shall, in particular, be taken of circumstances arising in the course of the year as a result of:

- a change in civil status or settlement in another place of residence with a different taxation system,
- commencement or cessation of payment of the pension.

5. The Organisation shall supply the Member Countries concerned with the names, forenames and full address of pensioners and the total amount of the pension and adjustment.

6. The recipient of an adjustment as specified in this Article shall be required to inform the Organisation of his full address and of any subsequent change therein.

Such recipient shall produce evidence of his pension and the relative adjustment having been declared or taxed; should he fail to comply with this obligation, he shall be deprived of the right to this adjustment and shall refund any amounts unduly received in this respect.

7. The other procedures for calculating the adjustment and, in particular, those necessitated by the special features of certain national tax laws, and the procedure for payment of the adjustment shall be laid down in the Implementing Instructions established in accordance with the tax legislation of Member Countries.

## Instructions

### 42/1 - Scope and calculation of the adjustment

1. *Article 42 of the Pension Scheme Rules shall apply only if the pension and the adjustment relating to it are subject to taxes on income levied in a Member Country of the Organisation. The family allowances provided for in Article 28 of the Pension Rules shall be assimilated to pensions in determining the tax adjustment in so far as similar allowances are taxable under the national tax legislation of the Member country.*
2. *The adjustment referred to in Article 42 of the Pension Scheme Rules shall be determined on the basis of the legal provisions relating to taxes on income in force in the Member country in which the pensioner is legally subject to such taxation. It shall be established in respect of pensions paid during the tax period as determined in that country.*
3. *Where the pension of a person entitled to the adjustment is paid in a currency other than that of the country in which such person is subject to taxes on income, the adjustment shall be determined on the basis of the pension converted into the currency of that country. Such conversion shall be effected at the rate obtained on the official exchange market.*
4. *Where the amounts paid during any tax period include arrears of pension relating to any previous period, the adjustment shall be determined or recalculated, as the case may be, with due regard to the tax treatment applicable to such arrears.*

### 42/2 - Establishment of tables of equivalence for payment of the adjustment

1. *Tables of equivalence for payment of the adjustment shall be established for each tax year by the International Service for Remunerations and Pensions, hereinafter referred to as 'the Service'.*
2. *The tax authorities of Member countries shall provide the Service, at its request, with the details of legislation and regulations necessary for establishing the tables. The tables shall be checked and confirmed by the tax authorities of the Member country concerned. In the event of disagreement between such authorities and the Section on the content of the tables, the Secretaries-General and the Co-ordinating Committee shall consider the matter on the basis of Article 42 of the Pension Scheme Rules and of these Implementing Instructions.*
3. *Provisional tables of equivalence shall be drawn up prior to the commencement of the period to which they refer. They shall show, for rounded pension figures and in respect of each Member country, an amount equivalent to 90 per cent of the monthly adjustment calculated according to the distinctions contained in Article 42.3 of the Pension Scheme Rules and on the basis of the tax legislation in force at the time of drawing up the tables.*
4. *The provisional tables shall be revised whenever amendments to tax legislation involve a change in the amount of the adjustment. The Secretaries-General and the Co-ordinating Committee may however decide by mutual agreement to dispense with the up-dating of tables in cases where the balance of gain or loss is minimal.*
5. *As soon as the authorities in Member countries have finally adopted the tax legislation applicable to income for the period covered by the provisional tables, these latter shall be replaced by final tables establishing the rights of recipients in accordance with Article 42.2 of the Pension Scheme Rules. These final tables shall show the amount of the adjustment for the whole of the period which they cover, as well as the monthly amount of the adjustment.*
6. *The provisional and final tables of equivalence shall be accompanied by all such information as is necessary for their use. Such information shall include:*
  - *the rules to be observed in cases where changes in family status, dependants or permanent address (domicile) of the person entitled to the adjustment may affect the amount of the adjustment which the person concerned may claim;*

- the names and addresses of the tax authorities to which the Organisations supply the information specified in Article 42.4 of the Pension Scheme Rules;
- the evidence to be supplied by persons entitled to the adjustment as proof of the declaration for tax purposes, or the taxation, of their pension and the adjustment relating thereto;
- the dates for making such declarations and for paying the tax in those Member countries which have been authorised to avail themselves of the provisions of Instruction 42/3, paragraph 2 below.

#### **42/3 - Method of payment of the adjustment**

1. The adjustment shall be paid by monthly instalments by way of advance at the same time as the pension and in an amount corresponding to that appearing in the provisional tables of equivalence referred to in Instruction 42/2, paragraph 3 above. The amounts of pension, arrears of pension and adjustment shall be shown separately on the instrument of payment issued to the recipient.
2. At the request of a country, the Secretaries-General and the Co-ordinating Committee may, by mutual agreement, decide that by way of exception to paragraph 1, there shall be a time lag in payment of the monthly instalments of the adjustment relating to that country, provided however that payment of the whole of the monthly instalments shall be finalised before the ultimate date for payment of the tax to which they refer.
3. As soon as the final tables of equivalence are available, the total amount of the monthly instalments paid in respect of the tax period shall be compared to the final amount of the adjustment due for the whole of that period. Any excess or shortfall shall be rectified but so however that the amount involved shall not be taken into account in determining the adjustment in respect of the following tax year.
4. The adjustments shall be paid in the currency of the country in which the recipient is subject to taxes on income.

#### **42/4 - Information to be supplied to Member countries by the Organisation**

1. The particulars specified in Article 42/4 of the Pension Scheme Rules shall consist of the following:
  - a) a personal particulars form giving the name and forenames, full address and, where applicable, the residence for tax purposes (*domicile fiscal*) of the pensioner, the total amount of pension paid for the period constituting the tax year, the final amount of the adjustment arrived at for such period, and the amount of arrears of pension, identifying the year to which such arrears relate;
  - b) a master list reproducing for each country, the information contained in the personal particulars form.
2. The particulars listed in paragraph 1 of this Instruction shall be supplied to the tax authorities of the country in which the persons concerned are subject to taxes on income. A copy of the personal particulars form shall be sent to the pensioner and a copy of the master list shall be sent to the Representative of the country in question to the Organisation.
3. The obligations specified in this Instruction shall be complied with at the time of the rectification referred to in Instruction 42/3, paragraph 3 above.

#### **42/5 - Evidence of payment of tax**

The tax authorities referred to in Instruction 42/2, paragraph 6 above shall inform the Head of Human Resources of the evidence by which, in accordance with Article 42, paragraph 5 of the Pension Scheme Rules, recipients of the adjustment may establish that their pension and the relevant adjustment have been declared for tax purposes or have been taxed.

**42/6 - Financing the adjustment**

1. *The cost of the adjustment provided for in Article 42 of the Pension Scheme Rules shall be borne by the country in which the recipient thereof is subject to taxes on income for the period considered.*

2. *Expenditure arising under paragraph 1 of this Instruction shall be the subject of a separate budget which shall be drawn up at the same time as the other budgets of the Organisation. Final settlement of the contributions to this separate budget shall be made at the end of the period to which it relates.*

**42/7 - Date of effect**

*These Implementing Instructions shall take effect on the date of entry into force of the Pension Scheme Rules.*

## **CHAPTER XII FINAL PROVISIONS**

**Article 43 – Detailed implementation**

1. Instructions for the implementation of these Rules shall be drawn up by the Secretary General of the Organisation.

**Article 44 – Entry into force**

1. These Rules shall enter into force on 1 July 2012.

**Instruction****44.1 - Date of entry into force of the Implementing Instructions**

*The implementing Instructions shall enter into force on the date as laid down by the Secretary General of the Organisation.*

**ANNEX 8**  
**REMUNERATION 2018**

**ANNEX REDACTED**

**ANNEX 9**  
**DAILY SUBSISTENCE ALLOWANCE AND KILOMETRIC ALLOWANCE**

**ANNEX REDACTED**



**ANNEX 10**  
**CHILD ALLOWANCE AND DEPENDANT ALLOWANCE**

**ANNEX REDACTED**

**ANNEX 11**  
**RELOCATION ALLOWANCE**

**ANNEX REDACTED**

**ANNEX 12**  
**ANTI-HARASSMENT POLICY**

## **ANNEX 12**

### **ANTI-HARASSMENT POLICY**

All staff are entitled to be treated with courtesy, dignity and respect. The Secretary General shall implement this anti-harassment policy (policy) which is designed to prevent any form of harassment to the greatest extent possible, and which provides a confidential procedure for all staff of the Organisation who believe that they are being harassed.

#### **1. Basic principles**

- a. All staff members have the right to be treated with dignity and respect, and to work in an environment which fosters professional respect and courtesy in accordance with the Core Values of the Organisation. Harassment of any kind at work, or in connection with work performed on behalf of the Organisation, will not be tolerated and may give rise to disciplinary action.
- b. All staff members share the responsibility for preventing harassment and maintaining a harmonious working environment. This implies that they shall treat each other with respect and due regard for individual dignity to ensure that the workplace is free of intimidation, hostility or offensive behaviour, and, in particular, of any form of harassment. In an international environment like the Permanent Bureau, all staff members must be aware of the fact that their own cultural norms and values may not necessarily be shared by colleagues, and be sensitive to misunderstandings and differences of opinion based on cultural differences. In any event, cultural differences cannot be used as an excuse for harassing behaviour.
- c. Supervisors play a key role in, and bear special responsibility for, preventing any form of harassment. They should foster a positive working environment and, in their leadership, display a willingness and ability to deal effectively with alleged harassment, in particular by being responsive to, and supportive of, any official who complains about such conduct. They must set a good personal example and pay attention to signs of a deteriorating work atmosphere. They shall ensure that the Organisation's policy and guidelines on harassment are communicated to, and understood by, all their staff, and that they are applied in the workplace.
- d. Any retaliation or threat of retaliation against individuals making formal or informal complaints of harassment, or participating in the investigation of such complaints (e.g., as witnesses), constitutes serious misconduct for the purposes of Article 42.
- e. Any frivolous or malicious accusation or complaint of harassment also constitutes serious misconduct for the purposes of Article 42.
- f. This policy will regularly be reviewed in order to ensure its effectiveness.

#### **2. Moral harassment**

- a. Moral harassment is any repeated or persistent behaviour, or pattern of behaviour, whether physical, verbal or psychological, that is reasonably regarded as aimed at creating a hostile work environment. It may be perpetrated by an individual or by a group. It includes behaviour which, in violation of the right to dignity at work, demeans, belittles or causes humiliation or embarrassment to an individual, or unfairly compromises the individual's career prospects. While an isolated incident of such behaviour may infringe the right to dignity at work, moral harassment takes the form of an accumulation of incidents, even when each incident, taken in isolation and out of context, could be seen as trivial.

- b. Even though there may be "grey" situations, moral harassment should be distinguished from other types of behaviour that may be detrimental to another individual's working conditions, but that are manifestly unintentional, or are attributable solely to poor management skills. For example, failing to keep staff informed of important business developments as a result of poor organisation would not, *prima facie*, be considered moral harassment. Similarly, an invitation to redo work, would not, *prima facie*, be considered moral harassment. However, the sabotage of an individual official's work by deliberately withholding relevant information, and who do so repeatedly or persistently, would, *prima facie*, present the characteristics of moral harassment.
- c. The harasser may be any colleague and also includes consultants and interns.

### **3. Sexual harassment**

- a. Sexual harassment is any sexual advance, request for sexual favours, or other type of conduct of a sexual nature, whether verbal, physical or otherwise, which is offensive and unwelcome, either explicitly or implicitly, which interferes with work, is made a condition of employment or advancement, in other ways adversely influences, or tries to influence, the career of the person subjected to it, or which creates an intimidating, hostile, humiliating or sexually offensive work environment.
- b. Act(s) that constitute sexual harassment include but are not limited to the following:
  - i. sexually-oriented comments or gestures, including sexually explicit jokes;
  - ii. offensive phone call(s), letter(s) or e-mail message(s);
  - iii. showing or displaying obscene or offensive images or texts;
  - iv. sexual advance(s), proposition(s) or pressure(s).
- c. The harasser may be any colleague and also includes consultants and interns.

### **4. Moral and sexual harassment and abuse of power**

- a. When moral and sexual harassment is perpetrated by a staff member, or a group of staff members, who or which is in a position to influence the career or employment conditions of the victim (including through recruitment, assignment, contract renewal, performance evaluation or promotion), their conduct constitutes an abuse of power.
- b. Conduct constituting an abuse of power constitutes serious misconduct for the purposes of Article 42.

### **5. Prevention**

- a. Preventive actions should be taken as a priority to deter or stop harassment, and to ensure that the harassing conduct does not continue and develop further.
- b. Supervisors have a specific responsibility within their own team, and shall be accountable for taking early action on potential or actual harassment. Once they are aware of such situations, supervisors must not tolerate their continuation. They must talk with the parties concerned and ensure that appropriate action is taken, by using any approach they consider is best adapted to resolving the situation.

- c. The policy shall be widely publicised to all staff members, including through training. In addition, training of staff will include modules on harassment and conflict prevention and resolution. Such training shall be renewed from time to time and each new incoming staff member shall be informed of the importance of the policy to the Organisation.

## **6. Complaint procedure**

### ***Informal procedure***

#### **a. Clarification between the parties involved**

- i. If a staff member believes to be harassed, he first must inform the harasser immediately and unambiguously of the unwelcome nature of the behaviour and demand that it ceases. If the staff member finds it difficult to speak to harasser directly, he may prefer to set out the behaviour in writing, sending the note to the harasser recording that the conduct is considered unacceptable, and expressing his wish for it to stop.
- ii. The staff member may keep a detailed written record of the instances of offensive conduct, indicating the time, place, and nature of the behaviour and, if possible, witnesses to it.
- iii. If an official witnesses what may be the harassment, or if someone confides in an official that he is being harassed, he shall not ignore that information and shall not hesitate to offer assistance, including by referring to this policy and by suggesting to seek the support from a third party.

#### **b. Preliminary action**

- i. If dealing directly with the harasser fails to end the behaviour, or if the staff member feels unable, for whatever reason, to raise the matter directly with the harasser or with other officials, the official may contact the Head of Human Resources and / or the Confidentiality Counsellor.
- ii. The Head of Human Resources and / or the Confidentiality Counsellor will meet with the official privately, discuss the situation with him and make suggestions as to how to deal with the situation. They will explain the definition of the different types of harassment, as well as the difference between an "Informal procedure" and an "Investigation". Any informal procedure must be conducted promptly.
- iii. The Secretary General, in consultation with the Secretary General's Office, as established by decision reproduced in Annex 4 (SGO), shall appoint a person from outside the Organisation as Confidentiality Counsellor.
- iv. The Confidentiality Counsellor shall give information and advice to officials who approach him. He shall help to determine if the behaviour of a colleague constitutes harassment offering his professional opinion on the alleged behaviour.
- v. The Confidentiality Counsellor shall be independent and neutral, and his work is confidential.. The Confidentiality Counsellor must speak at least one of the official languages of the Organisation
- vi. The Confidentiality Counsellor shall be appointed for two years; this term shall be renewable once for a period of two years after consultation with SGO. However, the term may be extended pending the appointment of a successor.



- vii. The Permanent Bureau shall provide access to the Confidentiality Counsellor for all staff members. They shall be able to contact the Confidentiality Counsellor by phone or meet with him in person. If a staff member decides to meet with the Confidentiality Counsellor in person, he must inform the Head of Human Resources of his absence.

**c. Early resolution through mediation**

- i. A staff member and a harasser may find a way to resolve the issue through mediation as provided for in Article 43. The main purpose of mediation is to get the parties to understand each other, clarify the matter between them, and put an end to the alleged offensive behaviour.
- ii. The mediation shall be conducted by a mediator, who may provide a trusted channel for dialogue and conciliation between the staff member and the harasser.
- iii. It is within the mandate of the mediator to have referred, and examine, harassment complaints, to assist disputing parties coming to resolution, and to give advice on actions needed to settle the conflict.
- iv. If, after having contacted the mediator, through the Head of Human Resources, the staff member decides not to proceed with the matter, the matter will not proceed. The approach not followed by mediation does not require a report, or an official decision.

**d. Formal harassment complaint to the Secretary General**

- i. If the staff member considers that mediation is inappropriate or unsuccessful, he may bring, in writing, the harasser's conduct to the attention of the Secretary General (complaint). The Secretary General shall examine the complaint, and, if appropriate, shall initiate an investigation in accordance with Annex 1.
- ii. Officials who so wish, may request the assistance of, or be represented by, an official or a former official or a counsellor, at any stage of the Investigation.
- iii. The complaint shall be made in either English or French, and shall clearly state the name(s) of the person(s) against whom it is filed and should describe specifically the act or acts, the time, place, and circumstances under which they occurred, as well as any other information and evidence relevant to the matter.
- iv. The complaint shall be made in good faith, which means that the complainant must believe that the way he perceived the alleged harassment or abuse of authority reflects the facts. Any complaint being brought frivolously or maliciously constitutes serious misconduct for the purposes of Article 42.
- v. The Secretary General shall act on the Investigation Report prepared by the Investigator(s), including by deciding not to proceed further, and by taking disciplinary action in accordance with Article 42. The procedure in Instructions 42.7 to 42.12 must be followed *mutatis mutandis*.

**e. Confidentiality**

- i. The complaint and any related procedure, including all written and oral communications, shall be strictly confidential. All staff members and any other persons, who are aware of the complaint, or are involved in its resolution, must respect this strict confidentiality.
- ii. Officials who divulge any information, or release any document, they learned of, or obtained, as a result of being involved in the procedure, commit, unless legally permitted to do so, serious misconduct.

**ANNEX 13**  
**TRAVEL POLICY FOR MISSIONS**

### ANNEX 13 TRAVEL POLICY FOR MISSIONS

1. This Annex is applicable to travels undertaken by staff members on behalf of the Organisation in support of its work programme or other official purposes, hereinafter referred to either as "travel on duty" or as "missions".
2. Staff members are entitled to the reimbursement of reasonable expenses incurred during missions duly authorised by the Organisation, as set out in the following provisions.
3. Before the mission is arranged, it shall be authorised in writing by the Secretary General. A full proposal as part of the mission travel form shall be submitted to the Secretary General. The mission travel form shall include:
  - a. the purpose of the mission; and
  - b. all associated expenses, including *per diem*, registration fees, travel costs and others miscellaneous expenses.
4. If the mission is approved, the staff member shall make his travel arrangements.
5. In the particular case where the mission is funded by a government or an entity other than the Organisation, the staff member shall submit a mission travel form to the Secretary General, informing him of the mission expenses, including the external funding and, if applicable, any remaining costs to be borne by the Organisation.
6. If a government or another entity funds a staff member's mission, the reimbursement of the travel expenses will be handled according to the rules and policies of the sponsoring entity. Exceptionally, if these sponsoring contributions do not cover all real and reasonable expenses incurred by the official, the difference may be reimbursed by the Organisation. The staff member shall provide the relevant support invoices to be reimbursed.
7. If a government or another entity grants payments in the form of speakers' fees, conference fees, or other remuneration to officials, these payments shall be credited directly to the Regular Budget of the Organisation. The allocation of these fees within the Regular Budget of the Organisation will be determined by the Secretary General.
8. If a staff member travels for personal reasons to the mission destination in advance and cannot undertake the mission due to unforeseen circumstances, he shall reimburse the expenses incurred by the Organisation unless the Secretary General agrees to waive all or part of this reimbursement.
9. Travel expenses shall be limited to the amount allowable for a journey by the approved mode, class, route and duration. An official who wishes, for personal reasons or preferences, to make travel arrangements that vary from the approved mode, class, route and duration shall obtain an authorisation from the Secretary General. The staff member shall assume and be responsible for all changes within the travel expenses, including the payment of any additional costs incurred above the costs authorised.
10. The sending of documentation or other materials in advance of missions is allowed only in cases where courier, shipping, and / or customs fees have been budgeted in advance, or where another entity has agreed to cover related costs, and this agreement has been documented. After the approval of the Secretary General, if neither of these conditions is fulfilled, the sending of documentation is allowed if the staff member cannot be expected to carry the documentation with him.

### **Travel by private car**

**11.** The use of a private vehicle shall be authorised only in exceptional cases where such mode of transport is indispensable. Staff members so authorised shall travel at their own risk, shall be responsible for making arrangements regarding insurance, and may not claim against the Organisation in respect of any damage caused to their vehicles.

**12.** Officials authorised to use their private vehicle shall receive payment of the kilometric allowance determined in accordance with the annual rates set by the OECD and provided in Annex 9 of the Staff Rules.

**13.** Save in exceptional circumstances, the daily subsistence allowance provided for in Article 29(12) shall be paid by bank transfer, in the currency and into a bank account used for the official's payroll transfers. The conversion between the currency applicable to the daily subsistence allowance and the payroll currency shall be calculated using the exchange rate on the day of submission of the mission order to the Finance Officer of the Organisation. The allowance takes the form of a fixed sum, calculated for various destinations, on the basis of the following breakdown:

- 50%: accommodation
- 15%: lunch
- 15%: dinner
- 20%: miscellaneous.

**14.** No supporting invoice shall be required for the daily subsistence allowance, except hotel invoices for accommodation.

**15.** In the event that official dates of travel are extended for personal reasons, staff members will not be eligible for the daily subsistence allowance prior to the first day of official duties and / or after the last day of official duties.

### **Terminal charges**

**16.**

- a. Terminal travel expenses incurred between the initial point of departure and the airport or railway station of departure and between the airport or railway station of the final destination and the point of destination shall be reimbursed either on the basis of:
  - i. a flat-rate of € 50 for each journey; or
  - ii. reasonable actual costs.
- b. The Head of Finance shall determine the reimbursement method. Only one reimbursement option may be chosen for each mission.
- c. If the "actual cost" reimbursement option is chosen, officials shall provide all supporting invoices related to terminal charges.

### **Other travel related expenses**

**17.** Expenditure related to the items below is not covered by the daily subsistence allowance and shall be reimbursed on the basis of supporting invoices:

- a. vaccinations required or recommended for the country of destination;
- b. passport for staff members, whose basic salary is less than the basic salary of an official of grade B3 step 1, if they do not hold a valid passport at the time of the mission;

- c. visas required for the country of destination;
- d. seat reservations, if not covered in the cost of the ticket;
- e. excess luggage for the transport of documents or equipment required for official purposes.

**18.** Expenditure related to the items below is reimbursed on the basis of supporting invoices provided that the supervisor concerned has approved the expenditure:

- a. photocopying and reproduction of official documents;
- b. interpretation and translation;
- c. excess luggage for personal items in case of travel over extended periods of time;
- d. reception costs;
- e. significant foreign currency commissions;
- f. such other items of expenditure which is directly related to the mission.

#### **Repatriation and travel insurance**

**19.** In the event of injury or death of a staff member during a mission, the Organisation shall reimburse the cost of the repatriation.

**20.** Except if otherwise determined by the Secretary General, valid travel insurance shall be personally applied for, and costs relating to the insurance shall be covered by staff members. The costs of a staff member's travel insurance will not be reimbursed by the Organisation.

**ANNEX 14**  
**INSURANCE POLICY FOR INVALIDITY AND DEATH**

**ANNEX REDACTED**

**ANNEX 15**  
**TELEWORKING POLICY**



## **ANNEX 15 TELEWORKING POLICY**

### **General principles**

1. The Organisation's policy on teleworking seeks to foster a better work / life balance, but without affecting the level of performance of staff members.
2. Teleworking is a method of performing duties outside the premises of the Organisation, with the help of information and communication technologies. Performing duties while on mission is not considered to be teleworking.
3. The Organisation may authorise the following forms of teleworking:
  - a. occasional teleworking, for a fractionable period of twelve working days or less per twelve month period, performed in the home of the official or member of the personnel; and
  - b. teleworking abroad, which shall be fixed for a non-fractionable period of five days per calendar year and performed outside the duty country, but on the territory of a Member State.
4. Other forms of telework shall not be authorised.
5. If occasional telework or teleworking abroad has been authorised, the Organisation will not:
  - a. make available any equipment that is required to perform telework;
  - b. bear any costs for installing computer equipment and a dedicated telephone line;
  - c. reimburse any use of peripherals belonging to the staff member, including costs relating to the use of the official's own Internet access supplier.

### **Staff Rules remain applicable**

6. The Staff Rules shall remain applicable in their entirety to staff members authorised to telework. The following provisions shall apply in addition.

### **Conditions of authorisation to telework and grant of authorisation**

7. A staff member wishing to telework shall make in writing an appropriate request to the Head of Human Resources, supplying a copy of the request to the supervisor, specifying the form and duration of telework desired, as well as the place in which it would be performed.
8. When examining any request to telework, account shall be taken of the compatibility of teleworking with:
  - a. the nature of the staff member's duties, the performance of those duties, and the achievement of his assigned annual objectives;
  - b. organisational and efficiency-related requirements of the service concerned.
9. The Head of Human Resources may also consult with the staff member's supervisor in relation to the request.
10. The Head of Human Resources may grant the authorisation for telework, after consultation with the Secretary General.

### **Conclusion of occasional teleworking agreement**

11. The Head of Human Resources shall formalise the authorisation for occasional teleworking in form of a written agreement. The exchange of e-mails concerning the grant of authorisation for occasional telework shall suffice to evidence such written occasional teleworking agreement (OTA).
12. The Head of Human Resources shall supply a copy of the OTA to the official's or personnel member's supervisor.

### **Conclusion of teleworking abroad agreement**

13. The Head of Human Resources shall formalise all authorisations for teleworking abroad by the signature of a written agreement with the staff member concerned (TAA). The TAA shall stipulate:
  - a. the staff member's teleworking location;
  - b. the teleworking hours;
  - c. the date the agreement takes effect and the date on which it terminates.
14. The TAA shall be concluded for a non-fractionable period of maximum five days per calendar year. It shall be governed by the principles laid down in the teleworking policy applicable to staff.
15. The Head of Human Resources shall supply a copy of the TAA to the supervisor of the staff member.

### **Termination of teleworking agreements**

16. Any teleworking agreement, including OTA and TAA, may be terminated at any time:
  - a. by the Head of Human Resources, if:
    - the conditions referred to in paragraph 8, above, are no longer met, in particular in the event of a change in the staff member's assignment or duties;
    - the staff member's performance is unsatisfactory, or affected as a result of teleworking;
  - b. by the staff member concerned, due to imperative and exceptional circumstances acknowledged as such by the Head of Human Resources.
17. An OTA may be terminated without prior notice. A TAA shall be subject to a notice period of two weeks.
18. The termination shall be notified by the Head of Human Resources to the staff member concerned. A copy of the termination shall be supplied to the supervisor of the staff member.

### **Teleworking location**

19. The staff member shall perform occasional teleworking at his home. Home is defined as the main residence that he has been notified to the Organisation.
20. Staff shall perform teleworking abroad outside their duty country, at the place of residence of the official or personnel member located in the territory of a Member State.

### **Working week and hours of work**

21. The normal working hours, and the working days, of a staff member authorised to telework shall be laid down in accordance with Article 32.

- 22. For teleworking abroad, hours of work will be fixed endeavouring to minimise, as far as possible, the effects of any time difference between the teleworking location and the staff member's duty country.
- 23. Additional or complementary hours worked by staff authorised to telework shall give rise to neither compensatory leave nor compensatory payment. Such compensation may however be granted in exceptional and justified circumstances, in particular by significant and repeated instances of working overtime.

#### **Travel and missions**

- 24. In the event of missions as provided for in Article 29 and Annex 13 of the Staff Rules, staff authorised to telework may, with the agreement of the Head of Human Resources, be authorised to start their journey from the place in which they are teleworking.
- 25. In such cases, the expenses incurred shall be paid in advance, or be reimbursed, from the teleworking location only inasmuch as they do not exceed the reimbursement that would have been applicable had the journey started for staff:
  - a. based in the headquarters of the Organisation – from the headquarters of the Organisation; or
  - b. based in one of the Regional Offices – from the relevant Regional Office.
- 26. No other travel between the teleworking location and the premises of the Organisation shall be reimbursed by the Organisation.

#### **Salary**

- 27. During the period of teleworking abroad, the salary scale applicable shall remain that of the duty country, and monthly emoluments shall continue to be paid in that country.
- 28. Subject to the provisions of Article 30, the cost of transferring emoluments to the teleworking location abroad shall be borne exclusively by the staff member.

#### **Expatriation allowance**

- 29. During the period of teleworking abroad, a staff member's entitlement to the expatriation allowance and other related allowances shall continue to be determined with reference to his duty country.

#### **Medical insurance**

- 30. During the period of teleworking abroad, for staff affiliated to the Organisation's medical and social system, and for the purposes of the payment of health costs by that system, the country of residence as notified to the Organisation shall remain the duty country, and not the country of the teleworking location.

#### **Teleworking work accident**

- 31. A teleworking work accident is an accident that occurs at the teleworking location and during teleworking hours, and in respect of which the staff member can provide proof that the accident occurred as a result of or in connection with his or her duties.

#### **Material organisation and responsibilities**

- 32. The teleworking location shall comprise a space dedicated to the performance of the duties of the staff member.

- 33.** The staff member shall:
- a.** ensure that the dedicated space meets all criteria necessary to ensure that the space is fit for the purpose, in particular those concerning safety and ergonomics;
  - b.** ensure the dedicated space in relation to a professional activity at home, including against theft, fire and water damage; and
  - c.** take all steps necessary to guarantee the security of access to professional data and the confidentiality of information exchanged between him and the Organisation.
- 34.** Any costs associated with Annex 15.33 shall be borne by the staff member. These costs will not be reimbursed by the Organisation.