

Staff Regulations



Staff Regulations applicable to all staff members of the CEB which includes articles of the Staff Regulations of the Council of Europe staff members and specific decisions of the CEB Administrative Council

January 2019 edition

Staff Regulations – Parts I to VIII

History of the Staff Regulations

The Staff Regulations and its appendices were adopted by Resolution Res(81)20 of the Committee of Ministers on 25 September 1981, with the exception of Appendix VIII, which was adopted by Resolution Res(83)12 of 15 September 1983.

Appendix I was amended by Resolution Res(87)1 of 12 March 1987.

Articles 12 and 21 of the Staff Regulations and Appendix II were amended by Resolution Res(88)1 of 14 January 1988.

Appendix IX was amended by Resolution Res(90)47 of 5 December 1990.

Articles 4, 6, 10 and 14 of Appendix V were amended and Article 6bis was added by Resolution Res(91)24 of 11 October 1991.

Article 12 of Appendix IV was amended by Resolution Res(92)24 of 18 May 1992.

Article 7 of Appendix IV was amended by Resolution Res(92)25 of 18 May 1992.

Article 12, paragraph 2 of the Staff Regulations and Article 23 of Appendix II were amended by Decision of the Ministers' Deputies of 18 May 1992, which also added Article 22bis to Appendix II.

Article 14 of Appendix IV was amended by Resolution Res(93)36 of 7 September 1993.

Articles 11, 12 and 14 of Appendix II were amended by Resolution Res(94)8 of 17 March 1994 and Resolution Res(96)51 of 20 November 1996.

Articles 59 and 60 of the Staff Regulations and Appendix XI were amended by Resolution Res(94)11 of 5 April 1994.

Articles 5 and 41 of Appendix V were amended by Resolution Res(94)17 of 23 June 1994.

Article 6bis of Appendix IV was added by Resolution Res(96)3 of 8 February 1996.

The Staff Regulations revised pursuant to Instruction No. 33 concerning the use of non-sexist language at the Council of Europe, were amended by Decision of the Ministers' Deputies of 19 June 1996.

Articles 55bis and 59, paragraph 5bis of the Staff Regulations were added by Resolution Res(96)78 of 17 December 1996.

Article 15, paragraph 3 of Appendix II was amended by Resolution Res(97)1 of 4 February 1997.

Article 6bis, paragraph 5 of Appendix IV was amended by Resolution Res(98)5 of 17 March 1998.

Article 7, paragraph 2 of Appendix VIII was amended by Resolution Res(98)13 of 9 September 1998.

Article 43 of the Staff Regulations was amended and Appendix XII was added by Decision of the Ministers' Deputies of 12 January 1999.

Article 1, paragraph 2 of Appendix XI was amended by Resolution Res(99)19 of 16 November 1999.

Article 3, paragraph 2 of Appendix I was amended by Resolution Res(2000)6 of 19 July 2000.

Article 12, paragraph 3 and Article 14, paragraph 2 of Appendix II were amended by Resolution Res(2001)7 of 18 July 2001.

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Articles 17, 19 and 22 of the Staff Regulations were amended by Resolution Res(2001)46 of 12 December 2001.

Articles 11.1, 17, 18, 19, 20.1, 21.1, 25.5 and 28 of Appendix II were amended by Resolution Res(2001)47 of 12 December 2001.

Appendix III (Regulations on the assessment of staff after confirmation in post) was deleted by Resolution Res(2001)49 of 12 December 2001.

A new Appendix III (Regulations on the Establishment Table) was added by Resolution Res(2001)48 of 12 December 2001.

Appendix V concerning the Pension Scheme for pensions which had not been granted on 1 December 2002 was amended by Decision of the Ministers' Deputies of 19 December 2001.

Article 43 to the Staff Regulations was amended by Resolution Res(2002)54 of 27 November 2002.

Appendix V bis concerning the New Pension Scheme for permanent staff members appointed on or after 1 January 2003 was added by Resolution Res(2002)54 of 27 November 2002.

Article 6 of Appendix I was amended by Resolution Res(2002)55 of 27 November 2002.

Articles 6, 7, 8, 12, 18 and 26 of Appendix II were amended by Resolution Res(2002)56 of 27 November 2002.

Article 1 of Appendix IX was amended and Article 12 deleted by Resolution Res(2002)57 of 27 November 2002.

Articles 2 and 5 of Appendix II were amended by Resolution Res(2003)6 of 22 October 2003.

Articles 33, 34, 35 and 45, paragraph 3 to the Staff Regulations were amended by Resolution Res(2004)5 of 8 July 2004.

Article 5, paragraph 5 of Appendix II was amended by Resolution Res(2004)6 of 8 July 2004.

Appendix VII has been amended by Resolution Res(2004)7 of 8 July 2004.

Appendix IX was amended by Resolution Res(2004)8 of 8 July 2004.

Appendix XII was amended by Resolution Res(2004)9 of 8 July 2004.

Article 45, paragraph 1 to the Staff Regulations was amended by Resolution Res(2004)11 of 3 November 2004.

A Preamble was added to the Staff Regulations by Resolution Res(2005)5 of 7 September 2005 which also amended Parts I and II thereof.

Appendix II was amended by Resolution Res(2005)6 of 7 September 2005.

Appendix III was amended by Resolution Res(2005)7 of 7 September 2005.

Appendix VI was amended by Resolution Res(2005)8 of 7 September 2005.

Articles 3 and 13 of the Staff Regulations were amended by Resolution Res(2006)4 of 3 May 2006.

Article 45 of the Staff Regulations and Article 9, paragraph 2 of Appendix IX were amended by Resolution Res(2006)5 of 25 October 2006.

Articles 16 of the Staff Regulations and Articles 23 and 24 of Appendix II were amended by Resolution Res(2006)19 of 8 November 2006.

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Article 8 paragraph 4 of Appendices V and V bis was amended by Decision of the Ministers' Deputies of 31 January 2007.

Article 19, paragraph 4 of Appendix V and Article 19, paragraph 6 of Appendix V bis were amended by Decision of the Ministers' Deputies of 31 January 2007.

Articles 2 and 3 of Appendix I were amended by Resolution CM/Res(2007)4 of 28 March 2007.

Article 7 of Appendix IV was amended by Resolution CM/Res(2007)9 of 16 May 2007.

Article 9 of Appendix IV was amended by Resolution CM/Res(2007)10 of 13 June 2007.

The English version of Article 25, paragraph 3 of Appendix V was corrected by Decision of the Ministers' Deputies of 13 June 2007.

The English version of Article 24, paragraph 3 of Appendix V bis was corrected by Decision of the Ministers' Deputies of 13 June 2007.

Article 22bis of the Staff Regulations was added by Resolution CM/Res(2007)13 of 10 October 2007.

Article 23 of the Staff Regulations and Article 5 of Appendix II were amended by Resolution CM/Res(2007)13 of 10 October 2007.

Articles 5, 6, 7, 9 and 14 of Appendix II were amended and a new Article 21bis was added by Resolution CM/Res(2010)6 of 7 July 2010.

Articles 7, 10, 15 and 20 of Appendix II were amended and a new Article 20bis was added by Resolution CM/Res(2010)7 of 7 July 2010, which also amended Article 2 of Appendix IV.

Article 3 of Appendix IV was amended by Resolution CM/Res(2010)8 of 7 July 2010.

Articles 22 bis and 59 of the Staff Regulations, Articles 17 and 18 of Appendix II, Articles 2 and 3 of Appendix III and Articles 4, 6, 8 and 10 of Appendix VII were amended by Resolution CM/Res(2010)9 of 7 July 2010.

Article 7 of Appendix IV was amended and Articles 9 and 11 were deleted by Resolution CM/Res(2011)4 of 16 February 2011.

Article 24 of the Staff Regulations was amended and a new Article 24 bis was added by Resolution CM/Res(2012)47 of 12 December 2012.

Articles 1, 12, 15, 18 (only in the English version), 21, 59 and 60 of the Staff Regulations were amended and Article 47 bis was added by Resolution CM/Res(2013)58 of 11 December 2013.

Article 3 of Appendix IV was amended and Article 15 of Appendix IV was added by Resolution CM/Res(2013)60 of 11 December 2013.

Article 6 of Appendix VI was amended by Resolution CM/Res(2013)61 of 11 December 2013.

Article 4 of Appendix VII was amended by Resolution CM/Res(2013)62 of 11 December 2013.

Articles 2, 3, 8 and 10 of Appendix IX were amended by Resolution CM/Res(2013)63 of 11 December 2013.

Articles 7 and 8 of Appendix XI were amended by Resolution CM/Res(2013)64 of 11 December 2013.

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Article 12 of Appendix XII was amended by Resolution CM/Res(2013)65 of 11 December 2013.

Article 15 of Appendix XI was amended by Resolution CM/Res(2014)4 of 11 June 2014.

Article 8 of Appendix IV was amended by Resolution CM/Res(2014)45 of 26 November 2014.

Article 42 of the Staff Regulations, Articles 7 and 14 of Appendix IV, Articles 4 and 5 of Appendix VI, Article 6 of Appendix VII, Article 7 of Appendix IX, Articles 9, 12 and 13 of Appendix XII were amended and new Articles 4bis, 5bis, 5ter and 12bis of Appendix IV were added by Resolution CM/Res(2016)18 of 18 October 2016.

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For the Council of Europe Development Bank

The proposals concerning the amendments to the Staff Regulations [Fonds/CA 992 (1995)] were submitted to and approved by the Administrative Council at its meeting on 23 and 24 January 1996.

Appendix III and Article 14 CEB of Appendix IV were the subject of Administrative Council Resolution N°1409 (1996) revised, dated 26 and 27 September 1996.

Appendix V was revised by Administrative Council Resolution N°1432 of 29 January 1999.

Appendix V was revised by Administrative Council Resolution N°1483 (2004) of 9 September 2004 which has modified the Implementing Instructions of the Pension Scheme rules n°42/6.

Administrative Council Resolution 1488 (2005) of 27 January 2005 has modified Article 54 of Staff Regulations and added Article 3bis to Appendix IV.

Resolution n°1503 (2007) of Administrative Council of 13 November 2007 has amended article 4 of part I, articles 11, 13, 17, 19, 22 and 23 of Part II, articles 27 and 39 of Part III, article 53 of Part V and article 63 of Part VIII and had introduced a notice before the preamble.

Resolution n°1504 (2007) of Administrative Council of 13 November 2007 has amended Appendix I to Staff Regulations (Regulations on staff participation).

Resolution n°1505 (2007) of Administrative Council of 13 November 2007 has amended Appendix II to Staff Regulations (Regulations on appointments and termination of contracts).

Resolution n°1506 (2007) of Administrative Council of 13 November 2007 has amended articles 1 and 2 of Appendix III to Staff Regulations (Regulations on the establishment table).

Resolution n°1507 (2007) of Administrative Council of 13 November 2007 has amended articles 1 and 4 of Appendix IX to Staff Regulations (Regulations on part-time work).

Resolution n°1537 (2011) of Administrative Council of 16 September 2011 has amended article 17 of Part II, article 57 of Part VI, added paragraph 1bis in article 5 as well as article 15bis of Appendix II to Staff Regulations (Regulations on appointments), amended articles 6, 7, 9, 10, 11, 12, 15 and 18 of Appendix II to Staff Regulations (Regulations on appointments) and amended articles 2.2 and 11 of Appendix X to Staff Regulations (Regulations on disciplinary proceedings).

Resolution n°1559 (2013) of Administrative Council of 14 November 2013 has amended Appendix V of Staff Regulations (Pension Scheme rules).

Resolution n°1560 (2013) of Administrative Council of 14 November 2013 has amended article 43 of Part II and added an Appendix V bis (Second Pension Scheme "SPS").

Resolution n°1577 (2016) of Administrative Council of 22 January 2016 has amended the notice, articles 1 and 4 of Part I – amended articles 13, 15, 17, 22, 23, deleted article 18 and added article 22bis to Part II – amended articles 54, 58 (only in the English version) and 59 in Part VII – amended articles 2, 3, 10 of Appendix I to Staff Regulations (Regulations on staff participation) – amended articles 3, 4, 5, 6, 7, 8, 9, 10 (only in the English version), 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and deleted articles 12, 15bis, 24, 25, 26, 27, 28 of Appendix II to Staff Regulations (Regulations on appointments) – amended article 14bis (only in the English version) of Appendix IV to Staff Regulations (Regulations governing Staff salaries and allowances) – amended article 37 of Appendix V bis (Second Pension Scheme "SPS") and article 4 of Appendix VIII to Staff Regulations (Regulations on extra duties and night work).

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Resolution n°1601 (2018) of Administrative Council of 28 September 2018 has amended article 3 of the Regulations on Staff participation (Appendix I to the Staff Regulations).

Resolution n°1604 (2019) of Administrative Council of 25 January 2019 has amended article 7 of the Regulations on Education allowance (Appendix IV to the Staff Regulations).

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Notice ¹

In the English version, any term referring to a person in connection with a position, an appointment or a status must be considered gender-neutral and therefore refers indifferently to persons of both sexes. Unless the context otherwise requires, words denoting the singular shall include the plural and vice versa.

Furthermore, when necessary, the proprietary terms of the Council of Europe that are used in the Staff Regulations and the related Appendices are subject to terminological adaptation. Most particularly, the words "Secretary General," which are replaced by the word "Governor," the words "Committee of Ministers," by the words "Administrative Council," the words "Council" or "Organisation" by the words "Bank" or "CEB," the words "Division responsible for Human Resources," by the words "Directorate responsible for Human Resources."

However, there is no need to change the terminology of: Articles 41 and 44 of Part IV, Article 55bis of Part VI, Article 59, paragraph 6 of Part VII of the Staff Regulations; Appendix XI, with the exception of Article 7, paragraph 2; Article 9, paragraph 4; Article 12, paragraph 4; and Appendix XII.

Preamble ²

The Council of Europe Development Bank, in its day-to-day functioning, shall respect all the principles and ideals which the Council of Europe defends. In particular, in the administration of CEB, the Governor shall endeavour to realise the conditions which will ensure the effective application of the rights and principles set out in the revised European Social Charter, in so far as these are applicable to an international organisation.

PART I: General Provisions ³

Article 1 - Scope ⁴

1. The Staff Regulations shall apply to any person who has been appointed in accordance with the conditions laid down in them as a staff member (hereinafter referred to as "staff members", "official" or "staff") of the Council of Europe Development Bank (hereinafter also referred to as the "the Bank" and the "CEB").

2. Staff members shall be appointed either to a post in the Table of Posts or to a position.

3. The conditions of employment of the different categories of temporary staff members shall be laid down by the Governor in a General Rule, which shall stipulate which provisions of these Regulations shall be applicable to them.

Article 2 - Hierarchical authority ⁵

Staff members of the Bank shall be under the authority of the Governor and answerable to him. Hierarchical superiors in the Bank shall exercise their authority in the name of the Governor.

¹ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

² Introduced by Resolution Res(2005)5 of 7 September 2005

^{3 4} As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

⁵ As amended by Resolution Res(2006)4 of 3 May 2006

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Article 3 - Non-discrimination ⁶

1. Staff members shall be entitled to equal treatment under the Staff Regulations without direct or indirect discrimination, in particular on grounds of racial, ethnic or social origin, colour, nationality, disability, age, marital or parental status, sex or sexual orientation, and political, philosophical or religious opinions.

2. The principle of equal treatment and non-discrimination shall not prevent the Governor from maintaining or adopting, in the context of a predetermined policy, measures conferring specific advantages in order to promote full and effective equality and equal opportunities for everyone, provided that there is an objective and reasonable justification for those measures.

Article 4 - Grades and categories ⁷

1. Each post or position shall carry a grade or a group of grades.

2. The different grades shall be divided among four categories, in accordance with the system in force in all the Co-ordinated Organisations:

a. category A, comprising staff engaged in professional and/or managerial duties;

b. category L, comprising staff engaged in interpretation and translation duties;

c. category B, comprising:

- staff engaged in administrative and/or team supervisory duties;
- staff engaged in support duties;

d. category C, comprising staff engaged in technical, manual or service duties.

Article 5 - Numbers ⁸

The total number of staff members appointed to posts and the number in each grade shall not be in excess of the figures indicated in the Table of Posts (see Appendix III to these Regulations) save where exceptions are authorised by the Administrative Council.

Article 6 - Staff participation

Staff members shall be entitled to express their views, in particular in the bodies provided for in these Regulations, on any measures in application of these Regulations or amendments to them and on any other measures relating to the conditions of employment of staff members. They shall co-operate through their representatives in the running of the committees set up by these Regulations and the appended regulations and rules.

Article 7 - General Meeting of Staff

Members of staff shall be entitled to attend the General Meeting of Staff, whose attributions and functioning are described in Appendix I hereto.

⁶ As Amended by Resolution Res(2006)4 of 3 May 2006

⁷ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

⁸ As amended by Resolution Res(2005)5 of 7 September 2005

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Article 8 - Staff Committee

1. The Staff Committee shall represent the general interests of the staff.
2. It shall be elected by the members of staff in accordance with the provisions of Appendix I to these Regulations which also determines its membership and attributions.

Article 9 - Joint Committee

With a view to facilitating co-operation between the Administration and the staff on matters of a general nature concerning the staff, there shall be set up a Joint Committee whose attributions and mode of operation are laid down in Appendix I to these Regulations. The Governor shall appoint the Chair of the Joint Committee. The other members and their substitutes shall be appointed in equal numbers by the Governor and the Staff Committee.

Article 10 - Functions performed in connection with staff representation

The functions performed by staff members on the committees and boards dealing with staff matters set up under these Regulations and appended regulations and rules shall be deemed to be part of the services they render to the Bank. No staff member shall suffer prejudice as a result of performing such functions.

PART II: Appointments and assessment – termination of contract⁹

Article 11 - Authority to make appointments¹⁰

As provided in Article XI, Section I of the Articles of Agreement of the CEB and in accordance with the Regulations on Appointments (Appendix II to these Regulations), the Governor shall make appointments to all posts and positions in the Bank other than those to which the holders are elected by the Governing Board, and shall assign each staff member, in the interests of the service, to a post or position in his category corresponding to his grade or group of grades.

Article 12 - Recruitment policy¹¹

1. Recruitment should be aimed at ensuring the employment of staff of the highest ability, efficiency and integrity, with due regard to a fair geographical distribution of posts and positions, in accordance with relevant decisions of the Administrative Council. In addition, the Governor shall seek to ensure a fair distribution of appointments between the sexes.

2. When vacancies are being filled, due allowance shall be made for the qualifications and experience of serving staff members and the desirability of bringing in fresh talent.

3. In the context of the rules set out in the foregoing paragraphs and under the arrangements determined by the Regulations on Appointments, vacancies in category A representing the start of a career shall, unless otherwise provided for in those regulations, be filled by recruitment from outside the Bank or by transfer and the other vacancies in this category either by outside recruitment, transfer or by promotion.

4. No post or position may be reserved for nationals of any specific member state.

5. Category C staff shall normally be recruited in the region in which their place of employment is located.

Article 13 - Non-discrimination between candidates¹²

1. Subject to Article 14 of the Staff Regulations and Article 6 of the Regulations on Appointments (Appendix II to the Staff Regulations), recruitment shall be carried out without direct or indirect discrimination, in particular on grounds of racial, ethnic or social origin, colour, nationality, disability, age, marital or parental status, sex or sexual orientation, and political, philosophical or religious opinions.

2. Paragraph 1 does not prevent the Governor from setting certain conditions in terms of age and nationality in respect of specific posts/positions, provided that such limits have an objective and reasonable justification.

3. The Governor deciding not to recruit a person because he has expressed opinions that are incompatible with the fundamental principles enshrined in the Organisation's Articles of Agreement and the European Convention on Human Rights does not constitute discrimination under paragraph 1.

4. Candidates' applications shall be considered first and foremost on the basis of qualifications, experience and competencies.

⁹ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

¹⁰As amended by Administrative Council Resolution 1503 (2007)

¹¹As amended by Resolution CM/Res(2013)58 of 11 December 2013

¹²As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016
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Article 14 - Recruitment conditions

To be eligible for appointment as a staff member of the Bank, candidates must:

- a. be nationals of a state which is a member of the Bank and have the civic rights enabling them to be appointed to the civil service of that state;
- b. produce evidence that they have discharged any obligations imposed on them by the legislation concerning military service;
- c. provide satisfactory references;
- d. meet the physical requirements of the employment;
- e. undertake to fulfil the obligations defined in Part III of these Regulations;
- f. have been selected by the procedure laid down in the Regulations on Appointments.

Article 15 - Appointment ¹³

1. Initial appointments on posts shall be made, in principle, for a fixed-term duration of four years and no less than one year.
2. Appointments on positions shall be made for a fixed-term duration of no less than one year.
3. The terms of appointment and employment shall be set out in an offer in two copies which, upon their acceptance and signature by the staff member and by the Governor, shall constitute the contract and make the appointment effective.
4. The offer shall state the date on which duties are to be taken up and the appointment take effect. If it contains suspensive conditions, the contract shall provisionally enter into force with the acceptance and signature of the staff member and the Governor. If the suspensive conditions are met the appointment shall take full effect. If the suspensive conditions are not met, the contract shall be null and void.
5. A fixed-term contract shall either, subject to Article 23 of these Regulations: (i) terminate on expiry; (ii) be renewed once or more times; or (iii) be converted into an indefinite-term contract; as further detailed in the Regulations on Appointments and the Implementing Provisions.

Article 16 - Starting salary ¹⁴

On recruitment, the basic salary of staff members shall be that of the first step in their grade. However, the Governor may, in exceptional circumstances, and having stated the reasons for his decision, allow additional seniority in the grade in order to take account of the staff member's training and special experience.¹⁵

Article 17 - Probationary period ¹⁶

1. Staff members must satisfactorily complete a probationary period as further detailed by the Regulations on Appointments.
2. During the probationary period a contract may be terminated by either party at two months' notice as further detailed by the Regulations on Appointments.

¹³ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

¹⁴ As amended by Resolution Res(2006)19 of 8 November 2006

¹⁵ The second sentence of Article 16 does not concern beginning-of-career recruitment, to which Article 24 of the Regulations on Appointments of the CEB or article 20 of the same Appendix (Appendix II to the Staff Regulations) apply

¹⁶ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

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Article 18 - Confirmation in employment ¹⁷

Deleted.

Article 19 - A7 and A6 grades ¹⁸

Recruitment to an A6 or A7 post shall be governed by the provisions of Appendix II, Article 21.

Article 20 - Secondment to the Council of Europe Development Bank

Deleted.

Article 21 - Promotion ¹⁹

1. Promotion consists in the appointment of a staff member to a post or position in a higher grade.
2. The Governor shall decide on promotions in accordance with the conditions laid down by the Regulations on Appointments.

Article 22 - Appraisal ²⁰

1. Staff members of the Bank shall be the subjects of appraisal reports.
2. Appraisal shall take place at a uniform frequency throughout the Bank at the end of a given reference period.
3. Appraisal shall be based on objectives and other appraisal criteria established between the appraiser and the appraisee at the beginning of the reference period.
4. The principles of equal opportunities and non-discrimination must be taken into account during the appraisal procedure.
5. Appraisal reports shall be part of staff members' administrative files.
6. The Director responsible for Human Resources shall monitor the fair and homogeneous application of the system in the different Major Administrative Units.
7. The Governor shall lay down by rule the conditions governing the implementation of the appraisal system, and the Directorate responsible for Human Resources shall supervise the functioning of the system throughout the Bank.

Article 22 bis – Underperformance ²¹

1. If a staff member's work ceases to be satisfactory, his Head of Major Administrative Unit shall inform him thereof in writing. The Head of Major Administrative Unit shall thereafter initiate an individual performance enhancement procedure.
2. The staff member shall be formally requested to remedy his shortcomings during the individual performance enhancement procedure. The said process may not be shorter than three months or longer than nine months.

¹⁷ Deleted by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

¹⁸ As amended by Administrative Council Resolution 1503 (2007) of 13 November 2007

¹⁹ As amended by Resolution CM/Res(2013)58 of 11 December 2013

²⁰ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

²¹ Added by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

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3. In the case of continued underperformance by the staff member at the end of the individual performance enhancement procedure, the Director responsible for Human Resources shall, after consultation with the Head of the Major Administrative Unit to whom the staff reports, recommend the Governor to terminate the staff member's contract. A motivated recommendation to terminate a staff member's contract shall be submitted to the Governor with the relevant appraisal reports attached.

4. The staff member shall immediately be notified of the recommendation mentioned in paragraph 3 above.

5. The staff member may submit his observations within two weeks of receiving the recommendation to terminate his contract.

6. The Governor will hear the staff member before taking any decision based on the recommendation. The Governor shall take his decision within thirty calendar days of receipt of the staff member's observations.

7. The provisions of this Article shall not apply to staff members during their probationary period.

8. The Governor shall lay down the conditions governing the practical implementation of the underperformance system in a Rule.

Article 23 - Termination of contract ²²

1. Any contract shall terminate at the latest on the last day of the month in which the staff member reaches the age-limit laid down in Article 24 of these Regulations.

2. Fixed-term contracts shall terminate on expiry, unless renewed or converted into an indefinite-term contract in accordance with the Regulations on Appointments (Appendix II of the Staff Regulations).

3. A contract for either a fixed or an indefinite term may be terminated at the end of a calendar month by:

a. the staff member, as a result of his resignation; such resignation shall take effect at the end of a period of notice of at least three months from the date on which resignation was tendered, unless the Governor agrees to shorten this period at the request of the staff member, who shall give reasons therefore;

b. the initiative of the Governor, on one of the following grounds:

i. abolition of the post, after consultation of the Staff Committee and subject to at least three months' prior notice to the staff member;

ii. dismissal for disciplinary reasons;

iii. termination for manifest unsuitability or unsatisfactory work on the part of the staff member; termination for any of these reasons in paragraph 3-b-iii of this Article may not occur unless: (i) the staff member has undergone an individual performance enhancement procedure and the underperformance persists; and (ii) the staff member has had the opportunity to refer the matter to the Governor, as laid down by Article 22bis of the Staff Regulations;

the decision concerning termination must carry a minimum three months' notice period.

The provisions of paragraph 3-b-iii of this Article do not apply to the completion of the probationary period specified at Article 17.

²² As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016
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iv. in the event of permanent invalidity as provided for in the Pension Scheme Rules.

4. Persons receiving a retirement or invalidity pension under one of the Bank's pension schemes, persons having received an indemnity for loss of job and persons to whom the regulations introducing special measures to terminate the service of permanent staff of the Bank have been applied shall not be employed by the Bank as permanent or temporary staff members.

Article 24 - Age limit ²³

1. A staff member shall retire on reaching the age of 65 years.

2. By way of exception, the Governor may, on a case-by-case basis and in the sole interests of the Organisation, ask a staff member to remain in service beyond the age of 65 years, under the conditions laid down in Article 24 bis.

Article 24 bis - Service beyond the age limit ²⁴

1. Staff members who meet the physical requirements of the employment may exceptionally be retained in service up to the age of 67 years at most.

2. Regarding the conditions of employment and remuneration, such staff members shall be treated as if they had not reached the age limit for retirement. In particular, the staff members concerned shall continue to be entitled to step advancements, indemnities and allowances under the same conditions as if they had not reached the age limit. They shall also benefit from leave entitlement and part-time work arrangements under the same conditions. They shall nonetheless not be entitled to benefit from unpaid leave nor can they apply for transfer or promotion.

3. Staff retained in service beyond the age limit shall acquire no additional pension rights after reaching that age. No contribution to the Organisation's pension schemes shall be levied. The Organisation shall moreover pay no contributions to any other pension scheme for the benefit of the staff members concerned. Pension benefits shall be payable only after termination of service. The calculations of pension benefits – retirement pension, reversion or orphan's pension or leaving allowance – and family allowances to which a recipient of a pension is entitled shall be made by reference to the staff member's employment situation, for example his/her grade, step and length of service, at the date when the staff member reached the age limit, and his/her family situation at the date of departure.

4. Health insurance cover shall be maintained.

5. An absence for health reasons lasting more than 90 days shall constitute a ground for terminating the contract without notice and shall entail the immediate award of the pension benefits.

6. Staff retained in service beyond the age limit shall not be eligible for an invalidity pension, an indemnity for loss of job or measures for termination of service.

7. The procedure shall be determined by the Governor in a rule.

²³ As amended by Resolution CM/Res(2012)47 of 12 December 2012, with effect from 1 January 2013

²⁴ Added by Resolution CM/Res(2012)47 of 12 December 2012, with effect from 1 January 2013

PART III – Duties and obligations of staff

Article 25 - Loyalty and integrity

1. On taking up their duties, staff members shall sign the following declaration in the presence of the Governor:

"I solemnly declare that I will carry out the duties entrusted to me as a member of the staff of the Council of Europe Development Bank loyally and conscientiously, respecting the confidence placed in me. In discharging these duties and in my official conduct I will have regard exclusively to the interests of the Bank. I will not seek or receive any instructions in connection with the exercise of my functions from any government, authority, organisation or person outside the Bank. I will refrain from any action which might reflect upon my position as a member of the staff of the Bank or which might be prejudicial morally or materially to the Bank".

2. Staff members may not, without the permission of the Governor, accept either directly or indirectly any material or other advantage offered in relation to the performance of their duties. This prohibition shall continue after the staff member's employment has terminated.

Article 26 - Professional discretion

Staff members must maintain the utmost discretion in respect of facts and information which come to their notice in, or in connection with, the performance of their duties. Without the authorisation of the Governor they may not communicate in any form whatever to an unauthorised person any document or information which has not been made public. This obligation shall continue after a staff member's employment has terminated.

Article 27 - Publications²⁵

1. Staff members may not publish or have published any text relating to the work of the Bank, either on their own initiative or in collaboration with others, nor make public statements or deliver lectures on such matters, without the authorisation of the Governor.

2. The authorisation referred to in paragraph 1 shall be granted if there is no risk of the interests of the Bank being affected. The decision shall be taken within thirty days of the staff member's request. In the absence of a reply within that period, authorisation shall be deemed to have been given.

3. In the case of other publications, statements or lectures, staff members shall be able to make use of their status as a staff member of the Bank only with the Governor's consent.

Article 28 - Giving evidence in legal proceedings

A staff member may not, without the consent of the Governor, make use in legal proceedings, for any purpose whatever, of information within the meaning of Article 26 of these Regulations. Consent shall be given if there is no danger of prejudice to the overriding interests of the Bank. This prohibition shall continue after the staff member's employment has terminated.

Article 29 - Place of residence

Staff members shall reside in such a place that they are not hampered in the performance of their duties.

²⁵ As amended by Administrative Council Resolution 1503 (2007) of 13 November 2007
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Article 30 - Responsibility for performance of duties

1. Whatever their rank in the Organisation, staff members are required to assist and advise their superiors. They are responsible for discharging the tasks entrusted to them. The responsibility of their subordinates does not absolve them of the responsibilities which devolve upon themselves.

2. Where an order received by a staff member seems to that staff member to be irregular, or if he considers that its execution is likely to have undesirable consequences of a serious nature, he shall convey his opinion to the person giving the order, if necessary in writing. If the latter confirms the order the staff member may refer the question to the hierarchical authority immediately above. If the latter confirms the order, the staff member shall carry it out, unless its execution would constitute an act contrary to criminal law or to the safety regulations applicable to the Bank. Staff members may request that they be given such confirmation in writing.

3. However, if the superior giving the order considers that it must be executed promptly, notwithstanding the provisions of paragraph 2, the subordinate shall carry it out unless its execution is contrary to criminal law or to the safety regulations applicable to the Bank.

Article 31 - Unauthorised absence

Staff members may not absent themselves from their duties without authority. If they do so without valid reason, the Governor may deduct an appropriate amount from their remuneration, and disciplinary measures may be taken against them.

Article 32 - Secondary activities

A staff member intending to engage in an occupational activity outside the Organisation, whether paid or unpaid, shall seek the permission of the Governor. Permission shall be granted only if the activity in question does not interfere with the performance of the staff member's professional obligations and is not incompatible either with the interests of the Bank or with his being a staff member of the Bank. The Governor shall answer the request within thirty days, failing which permission shall be deemed to have been given. Permission may be cancelled if it ceases to meet the above condition.

Article 33 - Incompatibilities ²⁶

1. A staff member may not be a member of a national parliament, the Parliamentary Assembly or any other international parliamentary assembly, or hold a post remunerated by a government.

2. A staff member standing for election to a parliament or assembly as referred to in paragraph 1 must notify the Governor, who shall place him on unpaid leave for the period of the election campaign. If the staff member is elected and chooses to serve his political mandate, he shall resign from the Bank.

Article 34 - Election campaign for an elective mandate at regional or local level ²⁷

A staff member wishing to stand for public office at regional or local level shall inform the Governor, who, in the light of the interests of the service and the duration of the election campaign, shall decide whether the staff member may be granted leave of absence or whether he must take unpaid leave.

Article 35 – Acceptance of an elective mandate at regional or local level ²⁸

The Governor shall determine whether and to what extent a staff member may, in addition to his official duties, hold an elective mandate at regional or local level or whether he must take unpaid leave.

²⁶ ²⁷ As modified by Resolution Res(2004)5 of 8 July 2004

²⁸ As modified by Resolution Res(2004)5 of 8 July 2004

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Article 36 - Official matters impinging on personal interests

Staff members to whom it falls, in the course of their duties, to deal with a matter which impinges on their personal interests in a manner which might affect their objectivity shall so inform their immediate superior. They shall be relieved of responsibility for any matter involving themselves or a member of their family.

Article 37 - Medical examination

A staff member shall submit to any medical examination provided for in the Regulations or ordered as a general measure by the Governor.

Article 38 - Recovery of overpayments

1. Any sum overpaid shall be recovered if the recipient was aware, or should have been aware, that there was no due reason for the payment.
2. The Governor may waive recovery of all or part of the amount on social grounds.

Article 39 - Privileges and immunities²⁹

1. The privileges, immunities and facilities laid down in the General Agreement on the Privileges and Immunities of the Council of Europe, signed in Paris on 2 September 1949 and in the third additional protocol to that general agreement, and in any other agreements relating thereto, are conferred on staff members solely in the interests of the Bank and not for their personal benefit.
2. Privileges, immunities and facilities do not absolve staff members from their private obligations, nor from the obligation to observe the laws and regulations in force in the country where they perform their duties.
3. In every case where these privileges and immunities are invoked, the staff member concerned shall immediately inform the Governor.
4. Staff members may not themselves relinquish their immunities without the permission of Secretary General, who shall if necessary, take the decision to waive them, after having consulted the Governor.

²⁹ As amended by Administrative Council Resolution 1503 (2007) of 13 November 2007
January 2019

PART IV – Rights of staff members

Article 40 - Protection of staff members in their official capacity

1. Staff members may seek the assistance of the Governor to protect their material or non-material interests and those of their family where these interests have been harmed without fault or negligence on their part by actions directed against them by reason of their being a staff member of the Bank.

2. Where the Governor deems that the conditions set forth in the above paragraph are met, he shall decide what form such assistance may take and the amount up to which the Bank shall pay the costs incurred in the defence of the interests referred to in paragraph 1, including the costs of any legal action taken. If the Governor considers that legal action may harm the interests of the Bank, he may ask the persons concerned not to take such action; in such cases, if they do not take legal action, the Bank shall make good the material damage suffered by the persons concerned, provided that they assign their rights to the Bank.

Article 41 - Remuneration

1. Staff salaries and allowances and the methods of paying them shall be laid down in regulations made by the Committee of Ministers as set out in Appendix IV to these Regulations.

2. The Governor may award a special allowance to members of the staff performing duties of special responsibility beyond that normal for their rank.

Article 42 - Payment of expenses by the Bank³⁰

1. The Bank shall pay:

- a. the travel and subsistence expenses of a staff member on an official journey;
- b. travel, subsistence and removal expenses incurred by staff members when taking up their duties, when being subsequently transferred and on termination of their contracts;
- c. the staff member's travel expenses on the occasion of home leave.

2. Other expenses incurred by staff members in, or in connection with, the performance of their duties, provided they have been approved, shall be reimbursed.

3. On the death of a staff member to whom expenses covered by the provisions of paragraph 1.b above were paid when he or she took up his or her duties, the Bank shall defray:

- a. the cost of transporting the body of the staff member from the place of death to the place of funeral;
- b. the cost of transporting the deceased staff member's personal belongings;
- c. the travel costs of the survivors who were dependent on the staff member and were part of the staff member's household.

4. The Bank shall also, in the cases referred to in paragraph 1.b and c and 3.a, pay the expenses in respect of – provided they are part of the staff member's household – the staff member's spouse, children and other dependent persons as defined in Articles 5, 5 bis and 5 ter of Appendix IV and, where appropriate, of a person accompanying one or more of the staff member's children aged under 10.

5. In the case of home leave as referred to in the second sentence of Article 45, paragraph 2, expenses shall be paid in respect of only one journey for each person in any two-year period giving entitlement to home leave.

³⁰ As amended by Resolution CM/Res(2016)18 of 18 October 2016 with effect from 1 January 2017
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6. The Governor shall issue rules setting forth the conditions and limits applicable to payment of the expenses referred to in this article.

Article 43 - Social protection ³¹

1. All staff members shall be affiliated to one of the Bank's pension schemes.

a. The Pension Scheme Rules set out in Appendix V shall apply to staff members who:

- Were in service on 31 December 2013; or
- Having benefited, during their last appointment with the Bank, from the provisions of Article 11 of Appendix V, have repaid or are repaying the amount provided for under that article in conformity with the applicable implementing rules; or
- Were recruited on or after 1 January 2014 and have a deferred pension entitlement under the same pension scheme

b. The Second Pension Scheme Rules set out in Appendix V bis shall apply to staff members who:

- Were recruited on or after 1 January 2014 with the exception of those covered by sub-paragraph a. above.

2. Staff members shall be properly covered against the risks of accident, illness, old age, disability and death and for maternity expenses.

3. For cover in the event of sickness, maternity, accident at work, disability or death, the Medical and Social Insurance Scheme applicable to staff from 1 March 1999 is set out in Appendix XII to the Staff Regulations.

4. However, for staff members in service on 22 December 1998 and affiliated at that date to the French Social Security scheme, the Scheme set out in Appendix XII to the Staff Regulations shall apply only to those members of staff who have opted for the said Scheme, the others remaining affiliated to the French Social Security scheme and a compulsory complementary insurance scheme. In the latter case staff members shall pay the employee's contribution to the French Social Security scheme as applicable under the Agreement between the Council of Europe and France and one-third of the cost of their affiliation to the compulsory complementary insurance scheme.

5. Whatever the health insurance scheme to which the staff member is affiliated, contributions in respect of the risk of accidents at work and industrial disease shall be wholly borne by the Council of Europe Development Bank.

Article 44 - Indemnity for loss of job

An indemnity for loss of job may be awarded to any member of staff confirmed in his appointment, if the contract is terminated in the circumstances provided for in Appendix VI to these Regulations, which also sets out the methods of calculating and paying such indemnities.

Article 45 - Leave ³²

1. Staff members shall be entitled to paid leave of two and a half working days per month of service.

2. A staff member in receipt of an expatriation allowance shall be entitled to home leave of eight working days every two years, except where, at the time of his appointment or transfer, the staff member had solely the nationality of the country in which he is employed, to the exclusion of any other nationality. A husband and wife who are on the staff of the Bank, or of whom one is

³¹As amended by the Ministers' Deputies at their 655th meeting of January 1999 (CM/Del/Dec(99)655/11.1) and by Resolution CA (1560) 2013 of 14 November 2013

³²As amended by Resolution Res(2004)11 of 3 November 2004

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employed by the Bank and the other by another international organisation, and who are both entitled to claim home leave, may take such leave either together in the country where one of them has his home or separately in their respective home countries.

3. The provisions governing unpaid leave are set out in Appendix VII to these Regulations³³.
4. The Governor may grant short periods of paid special leave.
5. The Governor shall determine the duration of paid sick leave and maternity leave.

Article 46 - Personal administrative files

1. There shall be established a single personal administrative file for each staff member.
2. The file shall contain solely the documents relating to the application of these Regulations and their implementing provisions to the person concerned and other documents concerning the staff member's administrative situation, competence, work and conduct. The file shall be kept by the Directorate responsible for Human Resources, with the exception of the medical file, which shall be kept by the Bank's doctor.
3. The file shall contain no document unknown to the staff member. The latter may comment on any document submitted to him; any comments shall be attached to the document for inclusion in the file unless the author of the document in question amends the content thereof with the agreement of the staff member.
4. The file shall not refer to the political, philosophical or religious views of the staff member.
5. Staff members or their authorised representative may at any time examine their file, even after the termination of their employment.
6. The file shall be confidential and may only be consulted at the headquarters of the Bank. The Governor shall issue rules stipulating which staff members, boards and committees shall, by reason of their official functions, be authorised to consult it.

Article 47 - Freedom of association

Staff members shall enjoy the right to associate; they may, in particular, belong to trade unions or professional organisations.

Article 47 bis - Right to strike ³⁴

1. Staff members shall have the right to strike in order to protect their work-related economic, social and professional interests, under the conditions and in accordance with the procedures set out by the Governor in a Rule.
2. The amount of remuneration corresponding to the period of strike shall be deducted from the participants' salaries.

Article 48 - Certificate of employment

Staff members or former staff members may apply for a certificate of employment stating the length of service and duties performed. They may also request that the certificate include an assessment of their ability and the quality of the work performed.

³³ As amended by Resolution Res(2004)5 of 8 July 2004

³⁴ Added by Resolution CM/Res(2013)58 of 11 December 2013

PART V – Working conditions

Article 49 - Occupational hygiene and safety

The Governor shall take appropriate measures to ensure the safety and hygiene of the work premises.

Article 50 - Hours of work

The working week and the hours of work and particular arrangements applicable to expectant mothers and disabled persons shall be fixed by the Governor.

Article 51 - Overtime and night work

A staff member may be required to carry out duties outside normal working hours and to perform night work. The maximum duration of night work and such extra duties and the regulations governing any compensation are set forth in Appendix VIII to the Regulations.

Article 52 - Part-time work

Subject to the requirements of the Bank, the Governor may authorise staff members to work part-time as provided in Appendix IX to these Regulations.

Article 53 - Staff training³⁵

- 1.** The Governor shall take the necessary steps to promote staff training on the basis of an annual plan drawn up within the limits of available resources. The plan shall cover the kinds of training provided and the arrangements for its implementation; it shall be provided to the Staff Committee.
- 2.** The aim of training shall be to maintain and increase the ability of staff to discharge their duties so as to improve their contribution to the attainment of the Bank's aims and objectives.
- 3.** Where this is not incompatible with the smooth running of the Bank, the Governor may grant special facilities to staff who are studying for a qualification in a field related to the work of the Bank.

³⁵ As amended by Administrative Council Resolution 1503 (2007) of 13 November 2007
January 2019

PART VI – Discipline

Article 54 - Disciplinary measures ³⁶

1. Any failure by staff members to comply with their obligations under the Staff Regulations, and other regulations, whether intentionally or through negligence on their part, may lead to the institution of disciplinary proceedings and possibly disciplinary action.
2. Disciplinary measures shall take one of the following forms:
 - a. written warning;
 - b. reprimand;
 - c. relegation in step;
 - d. downgrading;
 - e. removal.
3. A single offence shall not give rise to more than one disciplinary measure.

Article 55 - Disciplinary Board

1. A Disciplinary Board shall be set up, consisting of a Chair and four members. The Chair shall arrange for secretarial assistance.
2. The Secretary General shall each year appoint the Chair of the Disciplinary Board, this office being incompatible with membership of the Joint Committee. The Secretary General shall also draw up a list containing, if possible, the names of two staff members from each grade in each category mentioned in Article 4. The Staff Committee shall at the same time transmit a like list to the Secretary General.
3. Within five days of receipt of a report initiating disciplinary proceedings, the Chair of the Disciplinary Board shall, in the presence of the staff member concerned, draw lots from among the names in the above-mentioned lists to decide which four members shall constitute the Disciplinary Board, two being drawn from each list.
4. Members of the Disciplinary Board shall not be of a lower grade than that of the staff member whose case the Board is to consider.
5. The Chair shall inform each member of the composition of the Board.
6. Within five days of the formation of the Disciplinary Board, the staff member in question may make objection once to any of its members other than the Chair.
7. Within the same period any member of the Disciplinary Board may ask to be excused from serving, provided he or she has legitimate grounds.
8. The Chair of the Disciplinary Board shall, by drawing lots, fill any vacancies.
9. The Chair and members of the Disciplinary Board shall be completely independent in the performance of their duties. The proceedings of the Board shall be secret.

Article 55 bis ³⁷

1. When dealing with cases referred by the Governor of the Council of Europe Development Bank, the Disciplinary Board shall include two members of the Bank's staff.

³⁶As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

³⁷Added by Resolution Res(96)78 of 17 December 1996 by the Committee of Ministers and Administrative Council Resolution 1391 (1996)

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2. To this end, the Governor shall draw up a list containing, if possible, the names of two staff members from each grade in each category mentioned in Article 4 of the Regulations. The Bank Staff Committee shall at the same time transmit a like list to the Governor.

3. Within five days of receipt of a report initiating disciplinary proceedings, the Chair of the Disciplinary Board shall, in the presence of the staff member concerned, draw lots from among the names in the lists drawn up by the Secretary General, the Governor, the Council of Europe Staff Committee and the Bank Staff Committee to decide which four members shall constitute the Disciplinary Board, one being drawn from each list.

4. Unless otherwise specified in the foregoing 3 paragraphs of Article 55bis, the provisions of Article 55 shall apply.

Article 56 - Disciplinary proceedings

1. Disciplinary proceedings shall be instituted by the Governor after a hearing of the staff member concerned.

2. Disciplinary measures shall be ordered by the Governor after completion of the disciplinary proceedings provided for in Appendix X to these Regulations.

Article 57 - Suspension

1. In a case of serious misconduct liable to entail a disciplinary measure as referred to in Article 54, paragraph 2.c, 2.d and 2.e, the Governor may, after hearing the Chair of the Disciplinary Board, suspend the presumed author of the misconduct.

2. The decision that a staff member be suspended shall specify whether he is to continue to receive his remuneration during the period of suspension or what part thereof is to be withheld; the part withheld shall not be more than half the staff member's basic salary.

3. A final decision on the staff member's administrative situation shall be taken within four months of the date when the decision to suspend him came into force.

4. If, on the expiry of the time-limit prescribed in paragraph 3, no decision has been taken on the case or if none of the disciplinary measures mentioned in Article 54, paragraph 2.c, 2.d and 2.e has been ordered, the staff member shall be entitled to reimbursement of the amount of remuneration withheld.

Article 58 - References in personal administrative files ³⁸

No reference to a disciplinary measure shall remain in the personal administrative file of the staff member concerned after two years in the case of a written warning or reprimand, and after six years in the case of other measures except for removal.

³⁸ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016
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PART VII – Disputes

Article 59 - Complaints procedure ³⁹

1. Staff members may submit to the Governor a request inviting him to take a decision or measure which he is required to take relating to them. If the Governor has not replied within sixty days to the staff member's request, such silence shall be deemed an implicit decision rejecting the request. The request must be made in writing and lodged via the Director of Human Resources. The sixty-day period shall run from the date of receipt of the request by the Bank, which shall acknowledge receipt thereof.

2. Staff members who have a direct and existing interest in so doing may submit to the Governor a complaint against an administrative act adversely affecting them, other than a matter relating to an external recruitment procedure. The expression "administrative act" shall mean any individual or general decision or measure taken by the Governor.

3. The complaint must be made in writing and lodged via the Director responsible for Human Resources:

- a.** within thirty days from the date of publication of the act concerned, in the case of a general measure; or
- b.** within thirty days of the date of notification of the act to the person concerned, in the case of an individual measure; or
- c.** if the act has been neither published nor notified, within thirty days from the date on which the complainant learned thereof; or
- d.** within thirty days from the date of the implicit decision rejecting the request referred to in paragraph 1.

The Director responsible for Human Resources shall acknowledge receipt of the complaint. In exceptional cases and for duly justified reasons, the Governor may declare admissible a complaint lodged after the expiry of the periods laid down in this paragraph.

4. The Governor shall give a reasoned decision on the complaint as soon as possible and not later than thirty days from the date of its receipt and shall notify it to the complainant. If, despite this obligation, the Governor fails to reply to the complainant within that period, he shall be deemed to have given an implicit decision rejecting the complaint.

5. Either on the initiative of the Governor or if the staff member so requests in his complaint, the complaint shall be referred to the Advisory Committee on Disputes. The Advisory Committee on Disputes shall formulate its opinion within one year of the date of such referral. In that event, the Governor shall have thirty days from the date of receipt of the opinion of the Advisory Committee on Disputes to give a decision on the complaint.

6. The Advisory Committee on Disputes shall comprise four staff members, two of whom shall be appointed by the Secretary General and two elected by the staff under the same conditions as those for the election of the Staff Committee. The committee shall be completely independent in the discharge of its duties. It shall formulate an opinion based on considerations of law and any other relevant matters after consulting the persons concerned where necessary. The Secretary General shall, by means of a rule, lay down the rules of procedure of the committee.

7. When dealing with cases concerning a staff member of the Council of Europe Development Bank, the Advisory Committee on Disputes shall include two members of the Bank's staff, one of whom shall be appointed by the Governor and the other elected by the Bank's staff under the same conditions as apply for the election of the Bank Staff Committee. These two members shall respectively take the place of the second member appointed by the Secretary General and the second member elected by the Council of Europe staff.

³⁹ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016
January 2019

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8. The complaints procedure set up by this article shall be open on the same conditions *mutatis mutandis*:

a. to former CEB staff members;

b. to persons claiming through staff members or former staff members, within two years from the date of the act complained of; in the event of individual notification, the normal time-limit of thirty days shall apply;

c. to the Staff Committee, where the complaint relates to an act of which it is subject or to an act directly affecting its powers under the Staff Regulations;

d. to staff members and candidates outside the Bank who have been allowed to sit a competitive recruitment examination, provided the complaint relates to an irregularity in the examination procedure.

9. A complaint shall not have a suspensive effect. However, the complainant may apply to the Chair of the Administrative Tribunal, with copy to the Governor, for a stay of execution of the act complained of if its execution is likely to cause him grave prejudice difficult to redress. The Governor shall, save for duly justified reasons, stay the execution of the act until the Chair of the Administrative Tribunal has ruled on the application in accordance with the Tribunal's Statute.

Article 60 - Appeals procedure ⁴⁰

1. In the event of either explicit rejection, in whole or part, or implicit rejection of a complaint lodged under Article 59, the complainant may appeal to the Administrative Tribunal set up by the Committee of Ministers.

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 Bank to pay to the appellant compensation for damage resulting from the act complained of.

3. An appeal shall be lodged in writing within sixty days from the date of notification of the Governor's decision on the complaint or from the expiry of the time-limit referred to in Article 59, paragraph 4. Nevertheless, in exceptional cases and for duly justified reasons, the Administrative Tribunal may declare admissible an appeal lodged after the expiry of these periods.

4. An appeal shall have no suspensive effect. However, if a stay of execution of the act complained of has been granted by the Chair of the Administrative Tribunal following an application under Article 59, paragraph 9, that stay of execution shall be maintained throughout the appeal proceedings unless the Tribunal decides otherwise on a reasoned request from the Governor.

5. While an appeal is pending, the Governor shall avoid taking any further measure in respect of the appellant which, in the event of the appeal being upheld, would render unfeasible the redress sought.

6. Decisions of the Administrative Tribunal shall be binding on the parties as soon as they are delivered. The Governor shall inform the Tribunal of the execution of its decisions within thirty days from the date on which they were delivered.

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

⁴⁰ As amended by Resolution Res(94)11 of 5 April 1994 and Resolution CM/Res(2013)58 of 11 December 2013
January 2019

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Article 61 - Calculation of time-limits

The time-limits in Articles 59 and 60 shall run from midnight of the first day of each time-limit as defined in the provision concerned. Saturdays, Sundays and official holidays shall count when calculating a time-limit. However, where the last day of a time-limit is a Saturday, Sunday or an official holiday, the time-limit shall be extended to include the first working day thereafter.

PART VIII – Final provisions

Article 62 - Implementing provisions

1. The Governor shall issue rules, instructions or office circulars laying down the provisions for implementation of these Regulations.
2. Implementing provisions entailing a financial commitment shall be subject to approval by the Administrative Council.

Article 63 - Amendments⁴¹

These Regulations may be added to or amended by the Committee of Ministers. Unless otherwise decided, alterations so made to the Regulations shall apply to all staff. With regard to CEB's staff members, pursuant to Article XI, Section I, litt d., of the Bank's Articles of Agreement, the alterations so made to the Regulations shall apply to all CEB's staff members only insofar as the issue or issues being considered are not covered by a specific decision of the Administrative Council.

Article 64 - Entry into force

1. The provisions of these Regulations, including their appendices, shall enter into force on 1 January 1982 and rescind the previous Regulations.
2. Any regulations or implementing provisions which conflict with these Regulations shall be rescinded on the same date.

⁴¹ As Amended by Administrative Council Resolution 1503 (2007) of 13 November 2007
January 2019

Staff Regulations – Appendix I

Appendix I – Regulations on Staff participation

Article 1 - Scope

These Regulations, issued in accordance with Articles 6 to 9 of the Staff Regulations, concern the attributions and functioning of the General Meeting of Staff, the Staff Committee and the Joint Committee.

Part I – General meeting of staff

Article 2 ¹

1. The General Meeting of Staff shall be the organ in which all staff members may express their opinions on their conditions of employment and work. It shall also be the organ in which all retired staff members may express their opinions on the conditions that concern them. It shall meet at least once a year in ordinary session and must be convened in extraordinary session if 15% of active and/or retired staff members so request in writing, stating their reasons.

2. The General Meeting shall elect its own Chair and, in compliance with the Bank's Articles of Agreement and the Staff Regulations, adopt its own Rules of Procedure.

3. The ordinary session and, if necessary, a maximum of two extraordinary sessions may be held each year during official Bank working hours.

Part II – Staff Committee

Article 3 - Membership, elections, rules of procedure ^{2 3}

1. The Staff Committee shall comprise members whose term of office shall be two years. These members shall be elected within two electoral colleges, the first representing active staff members, the second representing retired staff members which shall elect one member.

2. All members of the staff of the CEB shall be entitled to vote. They constitute the first electoral college. All members of the staff in service for at least six months shall be entitled to stand for election.

3. All retired staff members of the CEB shall be entitled to vote and to stand for election. They constitute the second electoral College.

4. The member of the second electoral College shall only attend meetings of the Committee and express his views when the Committee deals with Pensions and social or medical protection.

5. The Staff Committee shall be elected by secret ballot. Elections shall be valid only if a majority of the staff entitled to vote takes part.

6. Other conditions for election to the Staff Committee and its composition shall be laid down by the General Meeting of Staff.

7. The Staff Committee shall adopt its own Rules of Procedure in compliance with the Bank's Articles of Agreement and the Staff Regulations.

Article 4 - General attributions

1. The Staff Committee shall represent the general interests of the staff and contribute to the smooth running of the CEB by providing the staff with a channel for the expression of their

^{1 2} As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

³ As amended by Administrative Council Resolution No. 1601 (2018) of 28 September 2018 with effect from the end of the Staff committee's mandate starting in 2016

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opinions. It may also defend the interests of retired staff and other beneficiaries of the Pension Scheme.

2. The committee shall be responsible for organising elections of staff representatives to those bodies of the CEB where provision is made for such representation, unless it is expressly provided that the said representatives shall be appointed directly by the committee.

3. The committee shall participate in the management and supervision of social welfare bodies set up by the CEB in the interests of its staff. It may, with the consent of the Governor, set up such welfare services.

Article 5 - Matters within the competence of the Governor

1. The Staff Committee shall bring to the notice of the Governor any difficulty having general implications that concerns the interpretation and application of the Staff Regulations. It may be consulted on any difficulties of this kind.

2. The Staff Committee may propose to the Governor any draft implementing provisions relating to the Staff Regulations, as well as any measures of a general nature to be taken by the Governor concerning the staff.

3. The Governor shall consult the Staff Committee on any draft provision for the implementation of the Staff Regulations. He may consult it on any other measure of a general kind concerning the staff.

Article 6 - Regulations within the competence of the Administrative Council

1. The Governor and the Staff Committee shall consult each other on any draft that either intends to submit to the Administrative Council on matters which come within the competence of the Administrative Council under Article XI, Section 1, letter d, of the Articles of Agreement of the CEB and which relate to:

- alteration or amendment of the Staff Regulations,
- alteration, amendment or adoption of other regulations concerning the staff.

2. The Governor shall keep the Staff Committee informed of any proceedings before the Administrative Council in pursuance of Article XI, Section 1, litt d., of the Articles of Agreement of the CEB which relate to the matters referred to in paragraph 1 above.

3. The Staff Committee will be consulted on all proposals regarding general guidelines for staff policy.

Article 7 - Relations with the Administrative Council

1. The Governor shall keep the Staff Committee informed of any plans the Administrative Council undertakes to reform the Articles of Agreement, as well as any other regulations concerning the staff.

2. The Staff Committee may keep the Administrative Council informed of any proposal on the matters referred to in Article 6, paragraph 1.

3. The Administrative Council may consult the Staff Committee in the most appropriate manner in any proceedings relating to the alteration or amendment of the Staff Regulations, the alteration, amendment or adoption of other regulations concerning the staff.

4. Any written communication or written consultation between the Administrative Council and the Staff Committee shall take place through the Governor.

5. Documents drafted by the Staff Committee for the Administrative Council shall be transmitted to the Chair of the Administrative Council by the Governor within fifteen days of his receiving them.

Part III – Joint Committee

Article 8 - Membership

1. The Joint Committee shall consist of:
 - the Chair, appointed each year by the Governor,
 - members and substitutes, appointed each year simultaneously and in equal numbers by the Governor and by the Staff Committee.
2. A substitute shall sit on the Joint Committee only in the absence of a member.

Article 9 - Attributions

The Joint Committee may be consulted by the Governor or by the Staff Committee on questions of a general nature which either of them sees fit to submit to it. It shall also give its opinion on measures for the termination of service within the meaning of the regulations on indemnity for loss of job (Appendix VI).

Article 10 - Meetings ⁴

1. The Joint Committee shall meet at the request of the Governor or of the Staff Committee.
2. The proceedings of the Joint Committee shall be valid only if all members or, in their absence, substitutes are present.
3. The Chair of the Joint Committee shall not vote except on questions of procedure.
4. The opinion of the Joint Committee shall be communicated in writing to the Governor and the Staff Committee.
5. Any member of the Joint Committee may require that his or her views shall be recorded in the said opinion.

Part IV – Time-limits

Article 11

The Governor or the Administrative Council shall lay down the time limits within which the Staff Committee must deliver opinions requested of him, which shall be not less than fifteen working days. The time limit may, however, be shortened by mutual agreement. If no opinion has been delivered within the period laid down, the Governor or the Administrative Council, as the case may be, shall proceed.

⁴ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

Appendix II – Regulations on appointments

Part I – Appointments

Article 1 - Scope

1. These regulations, issued in accordance with Part II of the Staff Regulations, set out the conditions under which staff members are recruited, transferred, seconded or promoted.
2. These regulations shall be completed by a General Rule of the Governor detailing the procedures for their implementation.

Article 2 - Definitions

1. Recruitment is the appointment to a vacant post or position of a candidate who is not a staff member.
2. Employment is the professional activity for which the staff member is paid.
3. Post is an employment approved by the Administrative Council, included in the Table of Posts of the budgetary organization chart.
4. Position is an employment which is established for a fixed term, and which is not included in the Table of Posts of the budgetary organisation chart.
5. Transfer is the appointment of a staff member to another post or position carrying the same grade.
6. Secondment is the placement of a staff member, with or without remuneration, to another international organisation or national, regional or local administration.
7. Promotion is the appointment of a staff member to another post or position carrying a higher grade.
8. Vacancy refers to a post or position which is not filled.

Article 3 - Qualifications required for appointment to the various categories of posts or positions ¹

1. Candidates for posts or positions in category A, which comprises staff members engaged in professional and/or managerial duties, must have a suitable higher education degree or qualification. Exceptionally, the degree or qualification requirement may be waived if the candidate has equivalent professional experience.
2. Candidates for posts or positions as interpreters and translators in category L must have a higher education qualification and appropriate professional training or experience.
3. Candidates for category B posts or positions involving administrative and/or team-supervisory duties must have reached an educational standard equivalent to a full course of general secondary education and possess appropriate professional qualifications.
4. Candidates for category B posts or positions involving support duties must have reached an educational standard equivalent to an intermediate level of general secondary education and possess appropriate professional qualifications.

¹ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016
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5. Candidates for category C posts or positions, which involve technical, manual or service duties, must have reached an educational standard equivalent to a general primary education and, if need be, possess appropriate professional qualifications.

Article 4 - Medical fitness²

The candidate's medical fitness to carry out the duties attaching to the employment applied for must be attested by a certificate in one of the two official languages of the Bank issued following examination by a practitioner chosen by the Bank.

Article 5 - Staff movements³

A. Transfers

1. When vacancies occur, the Governor may decide that they should be filled by transfer without an internal competition. In such a case, the Governor, through the Director responsible for Human Resources, shall invite the staff member concerned to express his views.

1bis⁴. When a post or position, with the exception of grades A6 and A7, becomes vacant, the post or position shall be published internally as a "mobility notice" for ten working days. Staff members at the same grade and having satisfactorily completed their probationary period, may apply. The Director responsible for Human Resources forwards to the relevant Major Administrative Unit the names of all interested staff members and, if applicable, the candidatures from existing reserve lists that may correspond to the desired profile. If no applicant is assigned to the vacant post or position, the vacancy shall be published in accordance with the rules laid down in Article 6.

2. Heads of Major Administrative Units may transfer or exchange staff within the administrative entity for which they are responsible. In such cases, they shall invite the staff members concerned to express their views and inform them in writing of the decision and of their new duties. The Directorate responsible for Human Resources shall be informed before the transfer takes effect and shall receive a copy of any correspondence related to such actions.

3. Any staff member having completed the probationary period may inform the Governor, through the Directorate responsible for Human Resources that he wishes to be assigned to another post or position in the same grade.

B. Secondments

4. Any staff member having satisfactorily completed their probationary period may be seconded to work with or without maintenance of his remuneration for another international organisation, or national, regional or local administration.

5. The Governor will establish, by a Rule, the modalities for and conditions under which such secondments will take place, with the provision that staff members obligations and entitlements under the provisions of the Staff Regulations will not be diminished.

6. In the cases referred to under Article 21, the Governor shall also comply with the special procedures laid down.

^{2 3 4} As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

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Article 6 - Choice of appointment procedure ⁵

1. In the case of a vacant post or position and without prejudice to the provisions of Articles 5 (paragraphs 1 and 1bis⁶) and 21, the Governor shall decide, having regard to the provisions of Article 12 of the Staff Regulations whether the post or position in question should be filled through recourse to the external recruitment procedure or be opened to internal competition among existing staff.

2. The decision shall be taken on the basis of an opinion of the Director responsible for Human Resources. This opinion shall be formulated after consultation with the Head of the Major Administrative Unit to which the post or position to be filled reports and the Staff Committee.

3. In the case of beginning-of-career posts in category A, the Governor may hold a competition confined to the nationals of one or more of the member states which are underrepresented in the Bank. Further, in exceptional cases, the Governor may hold for a vacant post a competition confined to the nationals of one or more member states, whatever the category and grade of the post concerned and regardless of whether the state or states in question are underrepresented.

Article 7 - Advertising of vacant posts or positions ⁷

1. Except in the cases provided for in Articles 5 (paragraphs 1, 1bis⁸ and 2), and subject to the provisions of Article 21 of these regulations, all vacancies shall be advertised in accordance with the provisions of this article.

2. If the external recruitment procedure is followed, the vacancy shall be brought to the knowledge of:

- a. the members of the Governing Board and the Administrative Council, if the post or position is in category A, L or B;
- b. staff members, by means of a suitable notice, so that they can compete, subject to the provisions of Article 6, paragraph 3;
- c. the public by means of suitable notices.

3. If the internal competition procedure is followed, the vacancy shall be suitably notified within the Bank.

4. The notice shall describe the duties attaching to the vacant post or position, and state the conditions for eligibility, the qualifications required of candidates, the required documents in support of the application and the time-limit for submission of applications. The Governor shall fix the time-limit for submission of applications, in each case and in light of the kind of employment to be filled; in no case may this time-limit be less than two weeks, in the case of internal competition, or less than three weeks in the case of external recruitment.

Article 8 - Applications ⁹

Applications shall be admissible only if they comply with the conditions set out in the vacancy notice and that all the required information is supplied.

Article 9 - Selection committees ¹⁰

The Selection Committees are in charge of giving their opinion to the Governor as far as appointments are concerned by recruitment and internal competition.

Their composition and functioning shall be laid out by the Governor in rules.

The Selection Committees are consultative bodies of the Governor in matters concerning appointment either by external recruitment or by internal competition; they may propose reserve

^{5 6 7 8 9 10 11} As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

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lists to the Governor which are valid for a period of two years¹¹. Their debates, reports, opinions and recommendations are confidential.

Article 10 - Appointments

1. The Director responsible for Human Resources is in charge of recruitment. Appointments are decided by the Governor after an opinion from one of the Selection Committees as in Article 9 above.

2. The Selection Committee takes part in all appointments, except when it concerns filling:

- grade A7 and A6 employments which are subject to the provisions of Article 21,
- posts and positions which are subject to the provisions of Article 5¹².

3. According to the nature of the post or position and the requirements of the department, the Governor or, as the case may be, the Director responsible for Human Resources, shall decide for each post or position, whether selection is to be based on qualifications or on the holding of tests or examinations.

4. For each recruitment, the Governor or, as the case may be, the Director responsible for Human Resources, shall, after an opinion from a Selection Committee, draw up a list of applicants invited to compete.

5. The procedure for competition on the basis of qualifications comprises the examination of the qualifications of the candidate followed, as the case may be, by one or more interviews with the members of a Selection Committee.

6. The procedure for competition on the basis of tests comprises an analysis of the qualifications of the candidate by a Selection Committee. The candidates who are deemed of a sufficient level after this analysis are given written examinations or tests, or both, and are invited to one or more interviews.

7. The Staff Committee is consulted concerning the profile of the proposed candidate or candidates under the conditions laid down in a Rule by the Governor.

8. The outcome of any competition is a proposal to appoint that is presented to the Governor by a Selection Committee.

Article 11 – Probation ¹³

1. Newly recruited staff shall be subject to a probationary period.

2. The probationary period is a trial and adaptation period and shall last one year.

3. Where the probationary period has been interrupted for reasons outside the staff member's control, the Governor may, on a joint proposal from the staff member's Head of Major Administrative Unit and the Director responsible for Human Resources, extend it by the length of the interruption.

4. The staff member may terminate the contract at two months' notice during the probationary period.

5. The Bank may terminate the contract at two months' notice during the probationary period under the conditions set out in Article 14.

6. During the probationary period, staff members cannot be promoted¹⁴.

¹² Modified by Administrative Council Resolution 1537 (2011) of 16 September 2011

¹³ ¹⁴ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

¹⁵ Deleted by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

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Article 12 - Probationary period ¹⁵

Deleted.

Article 13 - Appraisal during the probationary period ¹⁶

1. During the probationary period, the staff members are appraised by their immediate superiors at the end of the fifth and eighth months.
2. The conditions governing the appraisal of staff members during their probationary period are laid down in a General Rule. The provisions of Article 22 of the Staff Regulations apply, mutatis mutandis, to the appraisal of staff members during their probationary period.

Article 14 - Termination of contract during the probationary period ¹⁷

1. When the staff member's work has not proved satisfactory during the probationary period and subject to the potential application of Article 12, paragraph 2, the Governor may terminate the contract. Such decision will be taken on the basis of a recommendation by the Director responsible for Human Resources and the request of the Director supervising the staff member's work.
2. The staff member concerned is notified of this decision with two months' prior notice. Should the notice period extend beyond the term of the probationary period, such period may be extended accordingly or compensation may be paid as provided under paragraph 3, below.
3. The notice period may, at the Governor's discretion, be replaced by a compensation payment of an amount equal to the remuneration that the staff member would have received during such notice period.

Article 15 - Renewal or conversion of contract ¹⁸

1. Before the expiration of a fixed-term contract, upon the recommendation of the Director responsible for Human Resources, based on a request from the Head of the Major Administrative Unit in which the staff member is working, the Governor may decide to renew the staff member's contract offering one or more fixed-term contracts, the duration of which may not be less than six months, or convert such a fixed-term contract into an indefinite-term contract, subject to the conditions below. The staff member is notified of this decision with three months prior notice and the provisions of Article 14, paragraph 2, second sentence, and paragraph 3, shall apply mutatis mutandis.
2. Before any renewal which would bring the staff member's service on fixed-term contracts with the Bank to more than six years, the Director responsible for Human Resources, shall, based on a request of the relevant Major Administrative Unit, examine the staff member's administrative file and make a recommendation to the Governor whether the fixed-term contract: (i) should be converted into an indefinite-term contract on a post appearing in the Table of Posts; (ii) should be further renewed on positions or (iii) should not be renewed.
3. When deciding whether a fixed-term contract should be renewed or converted into an indefinite-term contract, three criteria should be taken into account, the need of the Bank in terms of competencies, the satisfactory performance of the staff member and the available budgetary resources. Implementing Provisions shall be adopted to specify further criteria / conditions for deciding on such renewals or conversions.

¹⁶ ¹⁷ ¹⁸ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

¹⁹ Deleted by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

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Article 15 bis - Maximum length of fixed-term employment ¹⁹

Deleted.

Article 16 - Internal competition ²⁰

1. The posts and positions that are open to internal competition are reserved for staff members who have satisfactorily completed their probationary period.

2. Under the internal competition procedure, staff members may be promoted only to the grade immediately above their present one, save for exceptional cases which are duly justified. In such cases, staff members shall be initially promoted to the grade immediately above the grade which they hold when the proposal is made by the Selection Committee and approved by the Governor. They shall remain at that grade for one year and then be promoted to the next higher grade. In these cases, staff members shall not receive any allowance with regard to the exercise of responsibilities attaching to a higher post or position.

3. The Director responsible for Human Resources, after obtaining the opinion of all of the Selection Committee's members, may recommend that the successful staff member be required to undergo a trial period in the higher post for which he has applied before a decision is taken regarding his promotion. This period shall not exceed one year, at the end of which the Governor shall take a firm decision on the basis of a report by the staff member's superiors; Article 13 shall apply by analogy. If the promotion is accorded, it shall have retroactive effect.

Article 17 - Equality of opportunity ²¹

1. In the event of equal merit between a woman and a man both of whom are candidates in an external recruitment or internal competition procedure, preference shall be given to the candidate of the sex which is under-represented in the grade and category to which the vacancy belongs.

2. A sex is under-represented in relation to the other when the proportion of staff of that sex in the grade and category to which the vacancy belongs is below 40%.

3. The corrective measure set out above does not constitute discrimination as prohibited by Articles 3 and 13 of the Staff Regulations.

Article 18 - Step advancement and promotion within groups of grades ²²

1. Staff members with at least twelve months of service, regardless of the date of their recruitment, may be entitled to step advancement on merit. The Governor shall decide on the basis of the staff member's annual performance appraisal.

2. Subject to the provisions of Article 20, the staff members assigned to posts in a group of grades may be promoted within that group at the earliest once they have completed the probationary period.

3. The step advancements and promotions referred to in this article are not announced except where the credits allocated to staff expenses allow it.

Article 19 - Access for serving staff to higher category employments ²³

1. Subject to the provisions of Article 6, paragraph 3, any serving staff member may apply for a post in category A thrown open to competition under the external recruitment procedure. If successful, he shall be subject to the provisions of Articles 11 and 13 and, as appropriate, of Article 15, paragraphs 1, 2 and 3 or Article 16, paragraphs 2 and 3. If his work has not proved satisfactory during the probationary period, he shall revert to his previous administrative status.

²⁰ ²¹ ²² ²³ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

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2. When a vacant post or position is open to recruitment by internal competition reserved for serving staff from another category, the job vacancy notice will specify the conditions regarding length of service and grade that entitle staff to take part in such competition, though it should be noted that the length of service that may be required may not be less than four years. Article 10 of these Regulations as well as sentences 2 and 3 of the previous paragraph of this article shall be applicable.

3. Staff of grade C3 and above may participate in internal competition procedures for category B posts or positions even if they do not have the qualifications required by Article 3 paragraphs 3 and 4.

Article 20 - Beginning-of-career appointments and passage between categories of posts and positions²⁴

a. Conditions for appointment to grades A1, A2 and A3

1. Staff members may be promoted from A1 to A2 and from A2 to A3 without changing post/position.

2. The entry grade to this group of grades shall be A1. However, external candidates with four years' professional experience involving duties similar to those exercised by A grade staff members shall be appointed to grade A2. The Governor shall set out, in a Rule, the conditions for granting additional steps to candidates with more extensive professional experience.

3. Regardless of paragraph 2 above, A1 staff members shall be promoted to A2 after the end of the probationary period and a further period of three years.

4. A staff member may be promoted to A3 after four years of service in the A2 grade upon a proposal by the Head of his Major Administrative Unit and the Director responsible for Human Resources if he has fully met the requirements of his post/position during the previous three years.

b. Conditions for appointment to grades B1 and B2

5. Staff members may be promoted from B1 to B2 without changing post/position.

6. The entry grade to this group of grades shall be B1. However, external candidates with four years' professional experience involving duties similar to those exercised by B grade staff members shall be appointed to grade B2. The Governor shall set out, in a Rule, the conditions for granting additional steps to candidates with more extensive professional experience.

7. Regardless of paragraph 6 above, B1 staff members shall be promoted to B2 after the end of the probationary period and a further period of three years.

c. Conditions for appointment to grades C1 and C2

8. Staff members may be promoted from C1 to C2 without changing post/position.

9. The entry grade to this group of grades shall be C1. However, external candidates with four years' professional experience involving duties similar to those exercised by C grade staff members shall be appointed to grade C2. The Governor shall set out, in a Rule, the conditions for granting additional steps to candidates with more extensive professional experience.

10. Regardless of paragraph 9 above, C1 staff members shall be promoted to C2 after the end of the probationary period and a further period of three years.

d. Conditions for appointment to grades L1 and L2

11. Staff members may be promoted from L1 to L2 without changing post/position.

²⁴ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016
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12. The entry grade to this group of grades shall be L1. However, external candidates with four years' professional experience involving duties similar to those exercised by L grade staff members, or with three years' such professional experience and a post-graduate doctoral qualification, shall be appointed to grade L2. The Governor shall set out, in a Rule, the conditions for granting additional steps to candidates with more extensive professional experience.

13. Regardless of paragraph 12 above, L1 staff members shall be promoted to L2 after the end of the probationary period and a further period of three years.

Article 21 - Procedure for appointment to grades A7 and A6 ²⁵

1. Any vacancy at grade A6 or A7 shall be published pursuant to Article 7, paragraph 2, to the members of the Governing Board and the Administrative Council and within the Bank unless, where particular circumstances so require, the Administrative Council shall decide otherwise on a proposal by the Governor.

2. The Governor shall make an appointment after informing the Administrative Council of his intentions and the reasons for his choice.

3. The procedures provided for in paragraph 2 above shall also apply to exchanges of staff members of the same grade.

4. a. External candidates

Recruitment to an A7 or A6 post shall be governed by an initial contract for a fixed-term of three years, of which the first year corresponds to the probationary period.

If the Governor decides to confirm the staff member's appointment before the end of the fixed-term contract, such appointment shall be extended for one or more periods varying in length between one and five years. As of the end of the probationary period, the Governor may at any time, after notifying the Administrative Council thereof, decide to uphold the appointment of the staff member in the post for an indefinite-term.

If the Governor decides not to confirm the staff member's appointment before the end of the probationary period, he shall terminate the contract with two months' notice; as appropriate, Article 14 paragraph 2 shall be applied.

Where the probationary period has been interrupted for reasons outside the staff member's control, the Governor may extend it by the length of the period of interruption.

b. Internal candidates

Appointment to an A7 or A6 post shall initially be for a trial period of three years. During this period, the staff member so appointed shall retain his previous grade but be paid a monthly basic salary which corresponds to the remuneration he would have received if he had been promoted to the grade concerned (A7 or A6).

If the Governor decides to confirm the staff member's appointment at the end of the trial period, he shall be promoted retroactively and re-appointed for one or more periods varying in length between one and five years. As of the end of trial period, the Governor may at any time, decide to uphold the appointment of the staff member in the post for an indefinite-term or assign the staff member to another post at the same grade.

If the staff member is not confirmed in post at the end of the trial period, he shall be transferred to a post at his existing grade level (A5 or A6).

^{25 26} As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016
January 2019

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If the staff member is not maintained or assigned to another employment of the same grade, he shall be assigned to a post of a lower grade but retain the grade he had reached. However, in the latter case, the staff member shall receive no further increments for as long as his remuneration remains higher than that he would have received if he had retained his previous grade.

Article 22 - Supernumerary transfer ²⁶

1. Where a staff member is to be transferred and there is no vacant post in his own grade, the Governor may transfer the staff member as an exception and for a limited time to a post in a lower grade without prejudice to his rights and subject to the provisions of Article 5, paragraph 1, of these Regulations.

2. The supernumerary staff member shall be transferred to a post in a grade corresponding to his own and in keeping with his qualifications as soon as a vacancy occurs.

3. For A6 and A7 staff members, the Governor shall make a supernumerary transfer after informing the Administrative Council of his intentions and the reasons for his decision.

Article 23 - Exercise of responsibilities attaching to a higher post or position

1. A staff member may be called upon by the Governor, on an exceptional basis and in the interest of the department, to assume the responsibilities attaching to a post or position carrying a grade immediately higher than his own which is vacant or whose holder is temporarily unable to carry out his duties.

2. In such cases, an extra duties allowance shall be paid to the staff members concerned during the period in question.

Part II – Guarantees granted to staff members upon termination of contract ²⁷

Deleted.

²⁷ Deleted by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

Staff Regulations – Appendix III

Appendix III – Regulations on the establishment table ¹

Article 1 - Definition of the Table of Posts

1. The Table of Posts shall lay down the total number of posts, the grade attaching to each and their distribution among the directorates general, directorates and divisions which appear in the Bank's organisation chart. It shall be approved annually by the Administrative Council when voting the budget in the form of a budgetary organisation chart.

2. Subject to the provisions of these Regulations, decisions on staffing shall be strictly compatible with the Table of Posts.

Article 2 - Permanent transfers of posts from one department to another, regrading and suppression of posts

1. Permanent transfers of posts during a financial year shall entail a change in the Table of Posts, without any increase either in the total number of posts or in the number of posts in each grade.

2. Category A posts in grades A7 or A6 shall not be transferred permanently to a department other than the one to which they are allocated in the Table of Posts except with the prior consent of the Administrative Council, given after consideration of an explanatory report by the Governor.

3. The Governor may permanently transfer category A posts in grades A1, A2, A3, A4, A5 or L from one department to another within the limit of the budgetary appropriations for staff expenditure. Any post transferred shall appear with its new designation in the Table of Posts drawn up in connection with the next budget.

4. The Governor may permanently transfer a category B or C post from one department to another. Any post thus transferred shall appear with the relevant comments and its new designation in the Table of Posts drawn up in connection with the next budget.

5. The Governor may regrade and/or suppress posts up to and including A5 within the limit of the budgetary appropriations for staff expenditure. The Governor will inform the Administrative Council of such regradings and/or suppression of posts together with the relevant comments and, where appropriate, their new designations in the Table of Posts drawn up in connection with the next budget.

Article 3 - Secondment of officials to another department

1. If the staff of a department needs to be temporarily increased, an official may be seconded for a specified period to a department other than that to which his post belongs. The Table of Posts shall remain unchanged.

2. The secondment of grade A7 or A6 officials to another department shall require the prior consent of the Administrative Council, which shall prescribe the duration thereof.

3. In the case of other grades, the decision shall be taken by the Governor.

4. A list of officials seconded to another department shall be appended to the draft budget when it is submitted; it shall specify, against the name of each official, the duration of the measure taken. If the secondment is to be continued beyond the current year, reasons shall be given.

5. At the end of the prescribed period, officials shall resume the duties attaching to their own posts.

¹ As amended by Administrative Council Resolution 1506 (2007) of 13 November 2007 (articles 1 and 2)

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Article 4 - Exceptions

- 1.** Any other measure constituting a departure from the Table of Posts may be taken only with the prior consent of the Administrative Council.
- 2.** The continued occupation by a staff member of a post of lower grade than his own as a result of his post being down-graded and the transfer of a staff member to a post of lower grade, constitute departures from the Staff Regulations and the Table of Posts and result in overstaffing of grades, in which case Article 22 of the Regulations on Appointments shall apply.
- 3.** Appointment on a personal basis of a staff member to a higher grade than that attaching to his post also constitutes a departure from the Staff Regulations and the Table of Posts. Such a measure shall be admissible only in quite exceptional circumstances, and may in any case be only temporary.

Staff Regulations – Appendix IV

Appendix IV – Regulations governing Staff salaries and allowances

Article 1 - Scope

These regulations, issued in accordance with Article 41 of the Staff Regulations, specify the salaries and allowances of staff members and the procedures for their granting and payment.

Article 2 - Basic salary

Staff members' basic salaries shall be determined in accordance with the scales contained in the tables appended¹. The basic salaries of staff members based in a country for which such scales do not exist shall, until such scales are established, be determined by the Secretary General in a General Rule. In this Rule, the Secretary General shall have due regard to the basic salary applicable in Belgium and apply an appropriate coefficient reflecting the cost and conditions of living in the country concerned. Establishment of scales for any given country shall invalidate the Rule as regards that country².

Article 3 - Steps ³

1. Each staff member, confirmed in employment, shall advance up the scale for his grade by the steps shown.
2. Such advancement shall be continuous, from one step to the next, starting on the first day of the first quarter⁴.
3. For category A staff, advancement to steps 2 to 5 (grades A7 and A6) and 2 to 7 (grades A5, A4, A3 and A2) shall take place after twenty-four months of service in the step immediately below and advancement to steps 6 (grade A7), 6 to 8 (grade A6) and 8 to 11 (grades A5, A4, A3 and A2) after forty-eight months of service in the step immediately below.
4. For category L staff, advancement to the next step shall take place after thirty-six months of service in the step immediately below.
5. For staff in categories B and C, advancement to steps 2 to 8 shall take place after twenty-four months of service in the step immediately below, and to steps 9 to 11 after forty-eight months' service.
6. For the advancements under this Article, only those years of service in which the staff member's appraisal certifies that he at least fully satisfied the requirements of his post or position shall be taken into account.

Article 3 bis - Step advancement for staff members recruited on or after 1 February 2005 or having opted for advancement on merit ⁵

1. The Governor may decide to grant advancement up the steps of the scale to a staff member who has been in the same step for at least twelve months on the basis of an assessment of the staff member's performance.
2. Irrespective of a staff member's category, grade or step, such advancement shall involve a maximum of two steps per year. In the case of exceptional performance, an additional step may also be granted.

¹ The scales are not reproduced in this edition of the Staff Regulation

² Added by Resolution [CM/Res\(2010\)7](#) of 7 July 2010

³ As amended by Resolution CM/Res(2010)8 of 7 July 2010 and Resolution CM/Res(2013)60 of 11 December 2013

⁴ 1 January, 1 April, 1 July or 1 October

⁵ Provision introduced by Resolution 1488 (2005) of 27 January 2005 by the Administrative Council

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3. Any staff member recruited before 1 of February 2005 may also opt for advancement on merit as defined in this article. A staff member having exercised this option may not go back on that decision.

Article 4 - Household allowance⁶

1. The household allowance shall be fixed at 6% of the basic annual salary. The amount of this allowance shall not, however, be less than 6% of the basic salary for grade B3, step 1.

2. The following shall be entitled to the household allowance:

i. married staff;

ii. widowed, divorced, legally separated or unmarried staff who have one or more dependent children as defined in Article 5 or, if applicable, Article 12;

iii. any staff member who does not satisfy the conditions under i and ii above but who has one or more dependants as defined in Article 5, paragraph 2.

3. Notwithstanding the foregoing provisions, a married staff member having no dependent children or other dependants as defined in Article 5 or Article 12 of these regulations shall not be entitled to the allowance provided for in paragraph 1 if his spouse's income from a gainful occupation is equal to or higher than the basic salary for grade B3, step 1, plus the amount of the allowance.

4. If the spouse's income is between the ceiling referred to in paragraph 3 and the basic salary for grade B3, step 1, a reduced allowance equal to the difference between that ceiling and the amount of the said income shall be payable.

5. Where, in accordance with the above provisions, a husband and wife employed by the Bank or by the Bank and another Co-ordinated Organisation, are both entitled to the household allowance, the allowance shall be paid only to the person whose basic salary is the higher.

6. The household allowance shall be paid after deduction of any similar allowances to which the official or his spouse may be entitled from another source.

Article 4bis – Basic family allowance for staff recruited on or after 1 January 2017⁷

1. A basic family allowance shall be paid monthly to staff members whose spouse has an overall income (gross income less compulsory social and/or pension contributions) lower than 50% of the basic monthly salary for grade C1, step 1, plus the amount of the basic family allowance.⁸

2. Eligibility will commence when the staff member and his/her spouse have established a family unit at the duty station. It will end when the family unit is dissolved or when the spouse ceases to actually and habitually live with the staff member at the duty station.

3. Staff members eligible for the expatriation allowance shall be entitled to double the monthly amount of the basic family allowance.

4. In the case of a staff member whose spouse has an overall income, as defined in paragraph 1, equal to or higher than 50% of the basic salary for grade C1, step 1, the amount of the allowance payable shall be reduced. The allowance shall be equal to the difference between 50% of the basic salary for grade C1, step 1, plus the basic monthly amount of the basic family

⁶ This article shall apply to staff members recruited until 31 December 2016

⁷ Added by Resolution CM/Res(2016)18 of 18 October 2016 with effect from 1 January 2017

⁸ As set out in Appendix 2 to the Rules governing the basic family allowance (cf. 238th CCR report) and adjusted annually in accordance with the Rules governing the method for adjusting the allowances/supplements expressed in absolute value as set out in the 242nd CCR report (CCR/R(2016)5)

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allowance, as defined in paragraph 1 above and the income of the spouse as referred to in paragraph 1. If the spouse's income is equal to or higher than 50% of the basic salary for grade C1, step 1 plus the basic amount of the basic family allowance, no allowance shall be paid.

5. For staff members who are not eligible for the expatriation allowance, the basic amount shall be paid monthly, for a period of up to five consecutive years following the taking up of duty of the staff member or the time of the establishment of his/her family unit.

6. For staff members who are eligible for the expatriation allowance and who take up duty from within the same geographical zone of the duty station, the basic amount and the additional amount shall be paid monthly and reduced after five years by one fifth per year to reach zero the tenth year of a consecutive period following the staff member's taking up of duty or the moment when the family unit is established at the duty station. The four geographical zones shall be defined as follows: EME (Europe and Middle East), Africa, Americas (North, Central and South America), Asia and Pacific (Far East and Pacific countries).

7. For staff members who are eligible for the expatriation allowance and who take up duty from outside of the geographical zone of the duty station, the basic amount and the additional amount shall be paid monthly for the duration of the staff member's employment. However, if the staff member has the nationality of one of the countries of the geographical zone of the duty station, the payment of the basic amount and its additional amount shall be made in accordance with paragraph 6.

8. When a staff member is transferred to a different duty station within the CEB at the initiative of the Bank, the Governor may, in circumstances such as an exceptional organisational restructuring or to support the accomplishment of missions critical for the Bank, reset the period of payment for the family unit.

9. A staff member receiving the basic family allowance shall be required to report any payments of the same nature or for a similar purpose that are received from other sources by the family unit and any change of circumstances related to eligibility. The amounts of any such payments shall be deducted from the basic family allowance to which the staff member is entitled.

10. Where two staff members are married to each other, or a staff member is married to an official of another co-ordinated organisation, within the meaning of the Staff Regulations and the Staff Rules of that co-ordinated organisation, only one basic family allowance shall be paid to the spouse with the highest income provided the eligibility criteria are met.

Article 5 - Allowance in respect of dependent children or other dependants⁹¹⁰

1. i. A monthly allowance shall be paid in respect of each dependent child under 18 years of age, in accordance with the appended scale¹¹.

ii. By dependent child is meant any legitimate, natural, adopted or otherwise dependent child who depends on the staff member's household or on the staff member alone for main and continuing support. An "otherwise dependent" child shall be taken as meaning:

- a.** child for whom adoption procedure has been initiated;
- b.** an orphan dependent on the staff member.

iii. The allowance shall continue to be payable until the dependent child reaches the age of 26 if he is receiving, on a full-time basis, school or university education or vocational training which does not carry a wage or salary properly so called.

⁹ This article shall apply to staff members recruited until 31 December 2016

¹⁰ The conditions for the payment of the dependent child allowance as set out in this Article shall be maintained for staff members serving at 31 December 2016 with respect to children born before 1 January 2032. Dependent child allowance with respect to children born after 31 December 2031 shall only be payable until the end of the academic year during which the child reaches the age of 22 years (see Resolution CM/Res(2016)18 of 18 October 2016)

¹¹ The scales are not reproduced in this edition of the Staff Regulations
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iv. The allowance shall continue to be payable without any age-limit if the dependent child cannot support himself owing to permanent disablement certified by a doctor approved by the Governor.

v. If a staff member or the spouse of a staff member receives under his country's laws or regulations an allowance whose purpose is the same as that of the allowance provided for in this article, the amount of that allowance shall be deducted from the allowance payable by the Bank.

vi. In the case of two staff members employed by the Bank or by the Bank and another Co-ordinated Organisation, the allowance in respect of dependent children shall be paid to the official who receives the household allowance.

2. An allowance equal in amount to the allowance payable in respect of a dependent child shall, by decision of the Governor for cause shown, be payable to a staff member in respect of any ascendant of himself or his spouse, where such ascendant is dependent on him for main and continuing support and in respect of any relative by blood or marriage whom he is under a legal obligation to provide with main and continuing support.

Article 5bis – Dependent child supplement for staff recruited on or after 1 January 2017¹²

1. A dependent child supplement shall be paid monthly to staff members for each dependent child, as defined in Article 5.1.ii above, under 18 years of age.¹³

2. The supplement shall also be granted for each dependent child aged 18 to 22 years receiving a full-time education. Payment of the supplement shall be maintained until the end of the academic year during which the child reaches the age of 22 years.

3. If the dependent child has performed compulsory military or civil service under the legislation of his or her country of nationality, eligibility for the supplement shall be extended beyond the child's 22nd birthday, for a period not to exceed the duration of that compulsory military or civil service. Payment of the supplement shall be suspended for the duration of the military or civil service.

4. The supplement shall continue to be granted without any age limit if the dependent child fulfils the criteria related to the eligibility for the supplements for disabled or severely disabled child as defined in Article 12 bis below.

5. Only one dependent child supplement shall be granted for each child recognised as a dependant under the conditions set out in the present Article.

6. One additional dependent child supplement shall be granted to a single-parent family irrespective of the number of dependent children.

7. The amount of the dependent child supplement shall be used as a multiplier for computing reimbursement ceilings for the education allowance (see Article 7, paragraph 6 below).

8. In case of shared or alternate custody, the payment of the supplement for dependent child shall be shared equally between the two staff members or the staff member and an official employed by another Co-ordinated Organisation who are the child's parents. However, the parents may decide by mutual agreement which of them will receive the dependent child supplement.

¹²Added by Resolution CM/Res(2016)18 of 18 October 2016 with effect from 1 January 2017

¹³As set out in Appendix 2 to the Rules governing the dependent child supplement (cf. 239th CCR report) and adjusted annually in accordance with the Rules governing the method for adjusting the allowances/supplements expressed in absolute value as set out in the 242nd CCR report (CCR/R(2016)5)

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9. In the case of two staff members or a staff member and an official of another Co-ordinated Organisation married to each other, only one of them shall receive the dependent child supplement.

10. A staff member receiving the dependent child supplement shall be required to report any payments of the same nature or of similar purpose that are received from other sources by the staff member, the staff member's spouse or the child's other parent and any change of circumstances related to eligibility. The amounts of any such payments shall be deducted from the dependent child supplement to which the staff member is entitled.

Article 5ter – Supplement for disabled and dependent parent for staff recruited on or after 1 January 2017¹⁴

1. Any staff member who can prove that he provides main and continuing support to his disabled and dependent father and/or mother, within the meaning of this Article, shall be eligible to only one supplement for disabled and dependent parent,¹⁵ paid monthly under the following conditions:

i. the staff member's father or mother, aged over 60, has an overall income (gross income less compulsory social and/or pension contributions) lower than 50% of the basic monthly salary of the scale of the parent's country of residence of a C1/1 grade staff member; and

ii. is medically certified with a disability.

2. Entitlement to the supplement for disabled and dependent parent shall be granted by decision of the Governor, after assessment of the nature and severity of the disability by the appropriate advisory board. The Governor shall obtain the opinion of the board that he has created for this purpose, and which includes at least one medical doctor. This decision shall establish the duration for which the right will be recognised and any revision, if necessary.

3. A staff member receiving the supplement for disabled and dependent parent shall be required to report any payments of the same nature or for similar purpose that are received from other sources by the official, the staff member's spouse or parent and any change of circumstances related to eligibility. The amounts of any such payments shall be deducted from the supplement for disabled and dependent parent to which the staff member is entitled.

Article 6 - Expatriation or residence allowance

1. i. The expatriation allowance shall be payable to staff in categories A, L and B, who at the time of their appointment were not nationals of the host state and had not been continuously resident on that state's territory for at least three years, no account being taken of previous service in their own country's administration or with other international organisations.

ii. This allowance shall also be paid to staff in the same categories who, although nationals of the host state, had been continuously resident for at least ten years in another state at the time of their appointment, no account being taken of previous service in their own country's administration or with other international organisations.

iii. In the event of a staff member who is entitled to the expatriation allowance being transferred to the country of which he is a national, he shall cease to be entitled to the expatriation allowance.

iv. When any point on the frontier of the country of which the staff member is a national is within a radius of 50 km from the duty station, such a staff member shall not be entitled to the expatriation allowance unless he supplies proof that he has established his actual and habitual residence in the country of service or, exceptionally and subject to agreement by the Governor, in another country of which he is not a national, taking account of his family circumstances.

¹⁴Added by Resolution CM/Res(2016)18 of 18 October 2016 with effect from 1 January 2017

¹⁵As set out in Appendix 2 to the Rules governing the supplement for disabled and dependent parent (cf. 241st CCR report) and adjusted annually in accordance with the Rules governing the method for adjusting the allowances/supplements expressed in absolute value as set out in the 242nd CCR report (CCR/R(2016)5)

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2. The expatriation allowance shall comprise:

- i. for all staff in the above three categories a sum equal to 20% of their basic salaries if they receive the household allowance and to 16% if they do not;
- ii. a fixed monthly allowance, in accordance with the appended scale, in respect of each dependent child as defined in Article 5 above¹⁶.

The combined total of the sums specified under sub-paragraphs i and ii above shall in no case be less than the total payable under this head to a staff member in grade B3, step 1.

3. Where a husband and wife, who are both non-resident, are employed in the same country by the Bank, or by the Bank and another Co-ordinated Organisation, they shall each be entitled to an expatriation allowance, but at the rate of 16% whether or not they are entitled to the household allowance.

4. Staff in the above categories who cannot claim the expatriation allowance under the provisions of paragraph 1 and who at the time of their appointment were resident at a distance of more than 300 km from their duty station shall be paid an allowance amounting:

- i. for staff receiving the household allowance, to 35% of the expatriation allowance payable in the same family circumstances;
- ii. for other staff, to 15% of that allowance.

Article 6 bis - Expatriation or residence allowance for staff recruited on or after 1 January 1996¹⁷

1. i. The expatriation allowance shall be paid to staff in Categories A, L and B who at the time of their appointment were not nationals of the host state and had not been continuously resident on that state's territory for at least one year, no account being taken of previous service in their own country's administration or with other international organisations. In the event of an official who has been entitled to the expatriation allowance taking up duty in the country of which he is a national, he shall cease to be entitled to the expatriation allowance.

ii. When any point on the frontier of the country of which the staff member is a national is within a radius of 50 km from the duty station, such a staff member shall not be entitled to the expatriation allowance unless he supplies proof that he has established his actual and habitual residence in the country of service or, exceptionally and subject to agreement by the Governor, in another country of which he is not a national, taking account of his family circumstances.

2. The expatriation allowance shall comprise:

- i. for all staff in the above three categories a sum equal to a percentage of basic salary, calculated as specified in paragraphs 3 and 4 of this Article;
- ii. a fixed monthly allowance, in accordance with the appended scale, in respect of each dependent child as defined in Article 5 above.

The sum specified under sub-paragraph i above shall in no case be less than the sum payable under this head to a staff member in grade B3, step 1.

3. i. The rate of the allowance during the first ten years of service shall be:
 - 18% of basic salary for staff entitled to the household allowance,
 - 14% of basic salary for staff not entitled to the household allowance.

¹⁶ As amended by Resolution Res(98)5 of 17 March 1998

¹⁷ Added by Resolution Res(96)3 of 8 February 1996

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The allowance shall be calculated on the first step in grade of recruitment or promotion irrespective of any increase in the official's basic salary by movement up the incremental scale and shall be adjusted in the same proportions and at the same date as basic salary.

ii. In years eleven, twelve and thirteen, the allowance at the rate of 18% shall be reduced by one percentage point per year to 15% and the allowance at the rate of 14% shall be reduced by one percentage point per year to 11%. During this period, and thereafter, the allowance shall be adjusted in the same proportions and at the same date as basic salary.

iii. In the event of an official who has been employed by one Co-ordinated Organisation taking up duty with the Bank or in the event of an official of another international organisation or a member of the administration or armed forces of the country of origin taking up duty with the Bank without changing country, the previous service in the host country will be taken into account in determining the application of sub-paragraphs i and ii of this Article.

4. i. Where a husband and wife are both non-resident and are both employed in the same country by the Bank, or by the Bank and another Co-ordinated Organisation, they shall each be entitled to an expatriation allowance at the rate of 14% whether or not they are entitled to the household allowance or at the rates on the reduction scale which correspond to the number of each spouse's years of service.

ii. Officials already in the service of the Bank or another Co-ordinated Organisation at 1 January 1996 and receiving the expatriation allowance in force at that date shall, on the occasion of their marriage, be treated in the same way as other serving staff.

5. Staff in the above categories recruited before 1 January 1998¹⁸ who cannot claim the expatriation allowance under the provisions of paragraph 1 and who at the time of their appointment were resident at a distance of more than 300 km from their duty station shall be paid an allowance amounting:

i. for staff receiving the household allowance, to 35% of the expatriation allowance payable in the same family circumstances;

ii. for other staff, to 15% of that allowance.

2. This Resolution shall enter into force on 1 January 1996 but shall not apply to staff who took up their duties between 1 January 1996 and the date of adoption of the present Resolution, pursuant to a contract already concluded.

Article 6 ter - Expatriation allowance for staff recruited on or after 1 January 2012

1.i. The expatriation allowance shall be paid to staff in Categories A, L and B who, at the time of their appointment by the Organisation:

a. were not nationals of the host state; and

b. had been continuously resident for less than one year on that state's territory, no account being taken of previous service in their own country's administration or with other international organisations; and

c. were recruited internationally from outside the co-ordinated organisations or from outside of the country of assignment; and

d. were recruited from outside the local commuting area of the duty station.

The "local commuting area" shall be defined as a radius of 100 kilometres from the duty station.

¹⁸ As modified by Resolution Res(98)5 of 17 March 1998

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ii. In the event of an official who has been entitled to the expatriation allowance taking up duty in a duty station where s/he does not meet these four criteria, s/he shall cease to be entitled to the expatriation allowance.

iii. In the event of an official who has not been entitled to the expatriation allowance taking up duty in a duty station where s/he meets these four criteria, s/he shall begin to be entitled to the expatriation allowance.

iv. In the event of an official who has been employed by one co-ordinated organisation and entitled to the expatriation allowance taking up duty with another co-ordinated organisation in the same country or in the event of an official of another international organisation or a member of the administration or armed forces of the country of origin taking up duty with a co-ordinated organisation without changing country, the provisions of paragraph 1, sub-paragraph i, indents c and d, shall not apply.

2.i. The rate of the allowance during the first five years of service shall be 10% of the basic salary. The allowance shall be calculated on the first step in the grade of recruitment or promotion irrespective of any increase in the official's basic salary by movement up the incremental scale and shall be adjusted in the same proportions and at the same date as the basic salary.

ii. In years six through ten, the allowance shall be reduced by two percentage points per year to reach zero in year ten. During this period, the allowance shall be adjusted in the same proportions and at the same date as basic salary.

iii. In the event of an official who has been employed by one co-ordinated organisation taking up duty with another co-ordinated organisation or in the event of an official of another international organisation or a member of the administration or armed forces of the country of origin taking up duty with a co-ordinated organisation without changing country, the previous service in the host country will be taken into account in determining the application of paragraph 2, sub-paragraphs i and ii above.

iv. In the event of an official being transferred, either within an organisation or between co-ordinated organisations, to a new duty country where the staff member meets the eligibility criteria, the rate of the allowance and the time period shall be restored to their initial levels and then reduced, as described in paragraph 2, sub-paragraphs i and ii above.

3. Where a husband and wife are both non-resident and are both employed in the same country by the same co-ordinated organisation, or by two different co-ordinated organisations, they shall each be entitled to an expatriation allowance at the rate of 10% or at the rates on the reduction scale which correspond to the number of each spouse's years of service.

4.i. When any point on the frontier of the country of which the official is a national is within a radius of 100 kilometres from the duty station, such an official shall not be entitled to the expatriation allowance and the related education allowance and home leave unless s/he supplies proof that s/he has established his or her actual and habitual residence in the country of service or, exceptionally and subject to agreement by the Secretary General, in another country of which s/he is not a national, taking account of his or her family circumstances.

ii. Officials receiving the expatriation allowance shall notify the Organisation of any change in their place of residence.

iii. Under special circumstances and for sound and sufficient reasons, exceptions to the rule in paragraph 4, sub-paragraph i above may be made by the Secretary General.

5. The reduction to zero of the expatriation allowance shall not disqualify the official for entitlement to the education allowance, the expatriated child allowance or home leave."

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Article 7 - Education allowance ¹⁹

1. Staff members entitled to the expatriation allowance with dependent children as defined according to the Staff Regulations, regularly attending on a full-time basis an educational establishment, may request the reimbursement of educational costs under the following conditions:

a. in respect of children in compulsory education up to completion of secondary level of education;

b. in respect of children at post-secondary level of education for studies carried out in the country of which the staff member or the child's other parent is a national, in the duty country or in a third country; in case the studies are carried out in a third country, the educational costs shall be limited to the standard rate pursuant to paragraph 6 a. as applicable in the duty country.²⁰

2. By way of exception, staff members not qualifying under the terms of paragraph 1 above may request payment for education in the case of transfer or recruitment from another international organisation where they were entitled to the education allowance, and a dependent child must, for imperative educational reasons, continue an educational cycle commenced prior to the date of transfer or recruitment other than for post-secondary level education and which is not part of the national educational system of the host country. Entitlement to the education allowance resulting from the application of this paragraph may not exceed the duration of the educational cycle²¹.

3. Entitlement to the allowance shall start 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 children allowance will no longer be paid.

4. Production of bills, paid invoices or receipts will be required for the reimbursement of educational costs mentioned in paragraph 5 a. to e. and g. below. Items mentioned in paragraphs 5 f. shall be included in a lump sum payment as defined in paragraph 7.

5. The following items of expenditure shall be taken into account for the reimbursement of educational costs:

a. school or university registration fees;

b. general fees for schooling and education charged by the educational establishment; Expenses of special courses and activities (including equipment) that are not normally part of the child's basic course of studies shall not be taken into account;

c. examination fees;

d. tuition fees for private lessons on condition that:

- tuition is given in subjects which are not contained in the child's syllabus, but as part of the compulsory national education programme of the country of which the staff member is a national, or
- tuition is required to enable the child to adjust to the educational curriculum of the institution attended, or to enable the child to become familiar with the language spoken in the area in which the child lives if the education is given in another language;

in all these cases, tuition fees may be taken into account for an adjustment period of not more than two years;

¹⁹As amended by Resolution CM/Res(2007)9 of 16 May 2007, by Resolution CM/Res(2011)4 of 16 February 2011 and by Resolution CM/Res(2016)18 of 18 October 2016 with effect from 1 January 2017

²⁰As amended by Administrative Council Resolution 1604 (2019) of 25 January 2019

²¹As amended by Resolution CM/Res(2011)4 of 16 February 2011

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e. daily expenses on travel between the educational institution and home, by public transport or school bus. Reduced fares shall be used where possible. Where a private car is used or when no public transport or school bus is available, an amount equal to 10% of the annual dependent child allowance shall be taken into account;

f. where the child does not live at the staff member's home, expenditure on board and lodging;

g. purchase of school books as required by the curriculum, and compulsory school uniforms.

6. Reimbursement of educational costs mentioned in paragraph 5 above shall be made according to the rates, ceilings and conditions below, each case being treated individually:

a. Standard rate: 70% of the educational costs up to a ceiling of 2.5 times the annual amount of the dependent child allowance or, for staff members recruited on or after 1 January 2017, of the dependent child supplement;

b. Country of nationality rate (if different from country of duty): 70% of educational costs up to a ceiling of 3 times the annual amount of the dependent child allowance or, for staff members recruited on or after 1 January 2017, of the dependent child supplement if the child is educated in a country of which the staff member or the other parent is a national;

c. Increased rate: 70% of educational costs up to a ceiling of 4 times the annual amount of the dependent child allowance or, for staff members recruited on or after 1 January 2017, of the dependent child supplement provided that:

i) educational expenditure as defined in paragraph 5 a. and b. is excessively high;

ii) such costs are for education up to completion of the secondary cycle;

iii) are incurred for imperative educational reasons;

d. Exceptional rate: up to 90% of total educational costs up to a ceiling of 6 times the annual rate of the dependent child allowance or, for staff members recruited on or after 1 January 2017, of the dependent child supplement provided that:

i) educational costs as defined in paragraph 5 a. and b. are exceptional, unavoidable and excessively high, according to the judgement of the Governor;

ii) such costs refer either to education up to completion of the secondary cycle or are costs as defined in paragraph 5 a. and b. for the post-secondary cycle;

iii) costs are incurred for imperative educational reasons.

7. The costs of board and lodging within the meaning of paragraph 5 f. shall be considered as equal to 1.5 times of the annual dependent child allowance or, for staff members recruited on or after 1 January 2017, of the dependent child supplement calculated in proportion to the number of months considered. This rule does not apply to the reimbursement of costs under paragraph 6 d²².

8. Children over 18 years, whose educational establishment is more than 300 km away from the duty station, are entitled to the reimbursement of the cost of one round-trip per year to the duty station or the home leave destination on condition that the amount does not exceed the cost of one round trip between the duty station and the place approved for home leave. In addition children under 18 years, whose educational establishment is more than 300 km away from home, are entitled to reimbursement of 70% of the cost of two further round trips per year on condition that the amount of each trip does not exceed the equivalent percentage of the cost of a round trip between the duty station and the place approved for home leave. In both cases mentioned above, the home leave travel will replace one educational trip in the year when home leave is taken.

²² As amended by Resolution [CM/Res\(2011\)4](#) of 16 February 2011
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9. No reimbursement of educational costs will be made unless admissible costs listed in paragraph 5 are higher than an amount equivalent to the annual expatriated child allowance. In those cases where reimbursement is made, the amount equivalent to the annual expatriated child allowance shall be deducted from the amount paid.

10. The amounts of any allowance received from other sources (scholarships, study grants, etc.) as well as other reimbursement of school costs from other sources for the education of the dependent child, shall be deducted from the expenditure incurred for education mentioned in paragraph 5 above.

11. At the beginning of each school year a staff member requesting reimbursement of educational costs shall inform the administration as fully as possible of the expenditures which will be incurred for the education of each child.

At the end of the school year the staff member shall provide evidence of the reimbursable expenditure during the school year in order to allow the final calculation of the reimbursement, according to provisions set out in paragraph 4 above.

12. The staff member shall inform the administration of any changes of circumstances which affect the entitlement to or the level of the reimbursement of educational costs and of any allowance (scholarships, study grants, etc.) and other reimbursement of educational costs, received from another source.

13. The Governor shall establish instructions for implementation of the provisions of this Article.

Article 8 - Installation allowance ²³

1. Staff members whose actual and habitual residence at the time of their appointment by the Bank for an appointment of at least one year, or of their transfer for at least one year to a different duty station within the Bank, is more than 100 kilometres away from their assigned duty station and who can prove and confirm by submitting the appropriate documentation that they have in fact moved their residence in order to take up duty, are eligible for the installation allowance.

2. Staff members satisfying the conditions laid down in paragraph 1 but who are hired for less than a year and whose appointment or consecutive appointments are extended beyond one year shall also be eligible for the installation allowance.

3. The basic amount of the installation allowance shall equal one month's basic salary of the staff member concerned, up to a ceiling in accordance with the appended table²⁴. Different ceilings apply depending on whether a staff member is entitled to the expatriation allowance or not²⁵.

4. A supplement of 75% of the basic amount of the installation allowance shall be granted to staff members entitled to the expatriation allowance who change geographical zone in order to settle their actual and habitual residence in the vicinity of the assigned duty station. The geographical zones shall be defined as follows: EME (Europe and Middle East), Africa, Americas (North, Central and South America), Asia and Pacific (Far East and Pacific countries).

5. The spouse of the staff member, within the meaning of the Staff Regulations, or, in the absence of a spouse, the first dependant, within the meaning of the Staff Regulations, shall give right to an increase of the basic amount of the installation allowance by 20%. Any other dependant shall give right to an increase of 10%. The increase for dependants shall not exceed 100% of the basic amount.

²³Note: modified by Resolution CM/Res(2014)45 of 26 November 2014, with effect from 1 January 2015. The previous version of Article 8 of the Regulations governing staff salaries and allowances (Appendix IV to the Staff Regulations) shall apply until 31 December 2018 to cases of transfer to a different duty station within the Bank of staff members serving at the time of entry into force of Resolution CM/Res(2014)45.

²⁴The amount of the ceilings shall be adjusted in accordance with Articles 7 and 8 of the Rules concerning the installation allowance, as set out in the Annex of the 229th CCR Report (CM(2014)99).

²⁵A staff member who will receive the expatriation allowance in his new duty station shall be considered as entitled within the meaning of this provision.

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6. A supplement for mobility of 75% of the basic amount of the installation allowance shall be granted to staff members who settle their actual and habitual residence in a different duty station more than 100 kilometres away as a result of their transfer for at least one year within the Bank.
7. The supplement for a change in geographical zone referred to in paragraph 4 and the supplement for mobility referred to in paragraph 6 may not both be granted in respect of the same installation.
8. The allowance shall be payable when the eligible staff member takes up duty or is transferred to a different duty station within the Bank.
9. The supplement for dependants referred to in paragraph 5 is calculated and paid upon justification that each individual related to this increase has settled his actual and habitual residence with the staff member at the duty station.
10. A staff member who resigns within the year that follows his appointment or his transfer to a different duty station shall pay back the installation allowance on a pro rata basis for the time remaining to reach twelve months.
11. A staff member shall not pay back the allowance if the Bank terminates his appointment within the year following his appointment or transfer. However, this provision does not apply when the Bank terminates the appointment as a result of disciplinary action, in which case the staff member shall reimburse the totality of the allowance.
12. The allowance shall not be paid back to the Bank when the staff member is successively reappointed by the Bank after the termination of his previous appointment.

Article 9 - Language allowance ²⁶

Deleted.

Article 10 - Payment of overtime work

Overtime work by staff in grades B3, B2 and B1 and in category C shall, where the exigencies of the service preclude their being granted compensatory leave, be payable on the conditions set out at Appendix VIII to the Staff Regulations.

Article 11 - Rent allowance ²⁷

Deleted.

Article 12 - Indemnity for handicapped child and reimbursement of educational or training expenses related to the handicap ²⁸²⁹

1. Any official with a dependent child medically certified as suffering from a handicap and necessitating special care, supervision or special education or training, not provided free of charge, may claim application of these provisions, whatever the age of the child.
2. Entitlement to the indemnity and reimbursement of expenses under these regulations shall be by decision of the Governor having regard to the nature and degree of the handicap.
3. The Governor shall consult a board which he shall constitute for the purpose and which shall include at least one independent medical practitioner.

²⁶ Deleted by Resolution CM/Res(2011)4 of 16 February 2011

²⁸ As amended by Resolution (92)24 of 18 May 1992

²⁹ This article shall apply to staff members recruited until 31 December 2016

Staff Regulations – Appendix IV

4. The decision shall specify the period of the entitlement, subject to review.
5. The criterion for assessing entitlement to the benefits specified in this regulation shall be the serious and chronic impairment of the physical or mental capacities.
6. Children may be deemed to be handicapped when they suffer from:
 - serious or chronic affection of the central or peripheral nervous system, however caused, such as encephalopathies, myelopathies or peripheral paralysis;
 - serious affection of the locomotor system;
 - serious affection of one or more sensory systems;
 - chronic and disabling mental illness.
7. The above list is not exhaustive but indicative only. It does not constitute the definitive basis for assessing the degree of handicap.
8. A claim for reimbursement under these rules shall be made solely in relation to expenses 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 which are not of the same kind as those taken into account for the purposes of the education allowance.
9. The Governor shall assess the reasonableness of the expenses for which reimbursement is claimed.
10. The amount of the indemnity for the handicapped child shall be equal to the amount of the dependent child allowance and shall be additional thereto.
11. Reimbursement of education or training expenses described in paragraphs 8 and 9 above shall be at the rate of 90%.
12. Any official receiving the indemnity for a handicapped child must declare payments of a similar nature received from any other source by himself, his spouse, or the handicapped child. Such payments shall be deducted from the indemnity paid under these Regulations.
13. The amount of expenses incurred as defined in paragraph 8 above shall be calculated after deduction of any payment received from any other source for the same purpose.

Article 12 bis – Supplements for disabled or severely disabled child for staff recruited on or after 1 January 2017³⁰

1. Any staff member with a dependent child of any age medically certified with a disability and necessitating either special care, supervision, special education or training, not provided free of charge, within the meaning of this article may claim, in addition to the dependent child supplement, a monthly supplement for disabled or severely disabled child³¹ and reimbursement for education and/or training costs that are related to the disability.
2. Any staff member with a child with a medically-attested disability and requiring permanent care from a third person – or if the staff member's spouse has given up work to provide the requisite care for the disabled child or has never worked in order to look after the disabled child – shall be eligible for a supplement for severely disabled child.
3. The child shall be considered as dependent on the staff member within the meaning of Article 5 bis above at the time the disability is recognised. In exceptional circumstances justifying the request by a staff member to benefit from the supplement for disabled or severely disabled child, the Governor may decide to derogate from this provision.

³⁰ Added by Resolution CM/Res(2016)18 of 18 October 2016 with effect from 1 January 2017

³¹ As set out in Appendix 2 to the Rules governing the supplements for disabled or severely disabled child (cf. 240th CCR report) and adjusted annually in accordance with the Rules governing the method for adjusting the allowances/supplements expressed in absolute value as set out in the 242nd CCR report (CCR/R(2016)5)

Staff Regulations – Appendix IV

- 4.** Entitlement to the supplements for disabled or severely disabled child and coverage of costs as set out in the present Article shall be granted by decision of the Governor, after assessment of the nature and severity of the disability by the appropriate advisory board.
- 5.** The Governor shall obtain the opinion of the board that he has created for this purpose, and which includes at least one medical doctor.
- 6.** The Governor's decision shall establish the duration for which the right will be recognised, and any revision if necessary.
- 7.** Serious and chronic impairment of physical and/or mental faculties shall constitute the criterion for entitlement to benefits under this Article.
- 8.** Children may be considered disabled by the board referred to in paragraph 5 if they suffer from:
 - i.** serious or chronic affection of the central or peripheral nervous system, however caused: encephalopathy, myelopathy 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.
- 9.** The above list is not exhaustive. It is provided as an indication and shall not constitute the definitive basis for assessing the degree of any disability.
- 10.** Only those expenses incurred with a view to providing the disabled or severely disabled child with access to an education or training programme designed to meet his or her needs in order to obtain the best possible functional capacity, and which are not otherwise covered by the provisions governing the education allowance, shall be eligible for reimbursement.
- 11.** The supplement for severely disabled child shall be double the monthly basic amount of the disabled child supplement.
- 12.** Reimbursement of education and training expenses shall amount to 90% of the expenses defined in paragraph 10.
- 13.** Only one supplement for disabled or severely disabled child shall be granted for each disabled or severely disabled child under the conditions set out in the present Article.
- 14.** A staff member receiving the disabled or severely disabled child supplement shall be required to report any payments of the same nature or for similar purpose that are received from other sources by the staff member, the staff member's spouse or the child's other parent and any change of circumstances related to eligibility. The amounts of any such payments shall be deducted from the supplement for disabled child or severely disabled child to which the staff member is entitled.
- 15.** The amount of expenses covered with respect to reimbursing education and training costs, as defined under paragraph 10 above, is the amount that is remaining after the deduction of any payments that have been received from any other sources and for the same purpose.
- 16.** In case of shared or alternate custody, the payment of the supplements for disabled or severely disabled child shall be shared equally between the two staff members or the staff member and an official employed by another Co-ordinated Organisation who are the child's parents. However, the parents may decide by mutual agreement which of them will receive the supplement for disabled or severely disabled child.
- 17.** Where two staff members are married to each other or a staff member is married to an official of another Co-ordinated Organisation, within the meaning of the Staff Regulations or the Staff Rules of the other co-ordinated organisation, only one supplement for disabled or severely disabled child shall be paid per child.

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Article 13 - Extra duties allowance

1. An extra duties allowance shall be paid to staff members who are called upon by the Governor, in application of Article 29 of the Regulations on Appointments, to assume the responsibilities attaching to a post carrying a grade immediately higher than their own.
2. The amount of this allowance shall correspond to one twelve-month step in the basic salary scale for the grade of the staff member carrying out the extra duties.
3. The allowance shall be paid from the third consecutive month of service in the higher post, without retroactive effect in respect of the first two months.

Article 14 ³²

Where a staff member no longer supports his children directly but is required to contribute to their support:

- the household allowance or, for staff members recruited on or after 1 January 2017, the basic family allowance;
- the allowance in respect of dependent children or, for staff members recruited on or after 1 January 2017, the dependent child supplement;
- the allowance for a handicapped child or, for staff members recruited on or after 1 January 2017, the supplements for disabled or severely disabled child;
- the education allowance; and
- the increased rates of expatriation or residence allowance,

payable in respect of his children, may be paid, either in whole or in part, to the person who, by virtue of a court order, has sole parental authority or provides their principal board and lodging.

Article 14 bis CEB ³³

Within the limits of the budgetary credits allocated annually to this effect by the Administrative Council according to the CEB's overall results, the Governor shall decide on the granting of a bonus based on the appraisal of the staff member's performance.

Article 15 - Limitation period for claims ³⁴

1. Claims against the Organisation for payment of salary, indemnities, allowances, benefits or other sums resulting from the application of the Staff Regulations, Rules and Instructions shall lapse two years after the date on which the payment would have been due.
2. The limitation period shall be interrupted by a claim in writing submitted before its expiry.
3. The right of the Organisation to recover a payment made unduly shall lapse two years following that payment.
4. The limitation period laid down in paragraph 3 shall be increased to 10 years if the staff member intentionally provided information which was incorrect or neglected to provide relevant information to the Organisation.
5. Recovery shall be made by deductions from the monthly or other payments due to the person concerned, taking into account his social and financial situation.

³²As amended by Resolution Res(93)36 of 7 September 1993 and by Resolution CM/Res(2016)18 of 18 October 2016 with effect from 1 January 2017

³³ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

³⁴ Added by Resolution CM/Res(2013)60 of 11 December 2013

Appendix V – Pension Scheme rules ¹

Chapter I – General provisions

Article 1 - Scope

1. The Pension Scheme established by these Rules applies to the permanent staff, holding indefinite term or definite or fixed-term appointments provided by the Council of Europe Development Bank Staff Regulations.

2. This scheme shall not apply to other categories of personnel who may be employed by the Council of Europe Development Bank, such as Experts, Consultants, Temporary Staff, Auxiliary Staff, Employees and personnel hired under local labour legislation, etc.

3. In these Rules, the term "CEB" or "Organisation" refers to the Council of Europe Development Bank and the term "staff member"² or "permanent staff member" means the staff referred to in paragraph I above.

Article 2 - Deferred entitlement

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 CEB 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 CEB.

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 CEB.

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 CEB:

i) as a staff member as defined in Article 1;

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 Instruction³.

¹ In accordance with Administrative Council Resolution 1559 (2013) of 14 November 2013, these Rules apply to staff members who are not covered by the Second Pension Scheme "SPS" (Appendix V bis of the Staff Regulations). It was first adopted by Resolution 1432 (1999) of 29 January 1999 and subsequently amended by Resolution 1559 (2013), which includes transitional measures

² In these Rules, the terms "staff members" and "beneficiaries" apply to both men and women

³ Unless otherwise specified, the term "provisions laid down by Instruction" refers, throughout these Rules, to the implementation provisions in Article 43 of the Pension Rules

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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.

Article 5 - Calculation of service conferring entitlement to benefits

1. Where a staff member appointed by the CEB has previously served with the Organisation, his entitlement to benefits under the terms of Article 4 shall be conditional upon his paying over to the CEB, 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 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 CEB was previously drawing a retirement pension in respect of service with the CEB, payment of that pension shall cease.

If the staff member refunds to the CEB 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% for each whole year during which the staff member drew the initial pension before the age of 60.

3. Where a staff member ceases his functions at a grade and step lower than that which he had previously held in the CEB, 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.

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 CEB 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, paragraph 2, calculated on the basis of his first monthly salary as a staff member.

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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 the provisions of 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 ten 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.

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 2, on the difference in salary between his part-time work and the corresponding full-time work, under the provisions laid down by Instruction.

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.

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 shall be entitled to a retirement pension.

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 sixty.

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.

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4. However, a staff member who retires before pensionable age may request early payment of his pension provided he is at least fifty 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 at which payment of pension begins	Early retirement pension as a percentage of 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

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.

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 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 6⁴;
 - iii) one-third of the amounts paid to the CEB under the provisions of Article 12.1, 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.

⁴ See article 33, paragraph 7.

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2. A staff member who is re-appointed by the CEB 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.

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 CEB after leaving the service of a government administration or national organisation, or international Organisation, or a firm, may arrange for payment to the CEB 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 CEB 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 CEB to enter the service of a government administration or national organisation, or international organisation which has entered into an agreement with the CEB, 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.

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 CEB.

2. The Invalidity Board shall consist of three medical practitioners, the first two being appointed by the CEB and the staff member concerned, respectively, and the third one selected jointly by the first two. Cases shall be submitted to it by the CEB either on its own initiative or at the request of the 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% 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.

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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% 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 CEB 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.

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.

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 CEB 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 CEB.

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 CEB 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.

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.

3. Invalidity pensions assessed before December 31st, 2013, whatever the cause of the invalidity, shall be paid for life.

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Chapter IV – Survivors' pension

Article 18 - Conditions of entitlement

1. The surviving spouse⁵ 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 the former staff member's 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.

Article 19 - Rate of Pension

1. Survivor's and 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 60;

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.

⁵ Wherever it occurs in these Rules, the expression "surviving spouse" applies indifferently to the wife or husband of the deceased staff member.

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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 survivors' pension shall be 60% 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% 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.

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 has 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.

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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 the last sub-paragraph of Article 25, paragraph 3. In such a case, the restriction laid down in the second sub-paragraph of 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.

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

Deleted.

Chapter V – Orphans' or dependants' 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.

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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 dying or 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.

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 CEB 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 CEB, 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 CEB 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.

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 CEB, payment of the pensions shall be deferred accordingly.

2. The pensions under Article 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 CEB.

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.

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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.

Chapter VI – Family allowances

Article 28 - General provisions

1. Household allowance, children's and dependants' allowance, handicapped child allowance and education allowance, paid to the staff members of the CEB as family allowances, are granted according to the modalities and conditions of entitlement provided for under the CEB 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 CEB, 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 CEB or is in receipt of a pension assessed by the CEB, 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 CEB 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 CEB are no longer satisfied.

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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 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.

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.

Chapter IX – Determination of the amounts of benefits

SECTION 1 – ASSESSMENT OF ENTITLEMENT

Article 31 - Assessment & Notification

1. The assessment of entitlement to the benefits payable under these Rules shall be made by the CEB, with the assistance of the International Service for Remunerations and Pensions.
2. A detailed statement of the assessment shall be communicated to the staff member or the persons entitled under him at the same time as the decision awarding the pension.

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Article 32 - No double entitlement

1. Without prejudice to the application of Articles 4 and 5, the following may not be paid concurrently:

i) a retirement and an invalidity pension as provided for in these Rules or under the Rules of the Second Pension Scheme;

ii) a retirement or invalidity pension and a loss-of-employment indemnity not paid as a lump sum.

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.

Article 33 - Basis of calculation ⁶

1. Pensions provided for in these Rules shall be calculated by reference to the salary defined in Article 3 and to the scales applicable to the country of the CEB's headquarters.

2. However, if the former staff member settles subsequently:

i) in a Member State of the CEB of which he is a national, or

ii) in a Member State of the CEB of which his spouse is a national, or

iii) in a country where he has served the CEB for at least five years, he may opt for the scale applicable to that country.

This 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 no scale has been established for that country, the scale applicable to the country of CEB's headquarters shall be applied temporarily until a scale has been established 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 that such a scale has been established on the date of his departure.

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.

⁶ The scales referred to in this article are those approved by the coordinated organisations in effect as at the date of implementation of the decisions provided for in said article or, for the purposes of the application of the provisions of paragraph 6, the scales established by the International Service for Remunerations and Pensions.

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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 CEB or the International Service for Remunerations 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 CEB, 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 CEB, be wholly forfeited.

SECTION 2 – ADJUSTMENTS OF BENEFITS

Article 36 - Adjustment of benefits

Whenever the salaries of staff serving at the CEB 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.

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 CEB, or by the International Service for Remunerations 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 CEB transfer to an account either in the country of the scale used to calculate these benefits, or in the country where the recipient resides.

Article 38 - Sums owed to the CEB

Any sum owed by a staff member, former staff member or pensioner to the CEB 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.

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 CEB his claims against such third party, up to the amount of such benefits.

2. However, the CEB 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 Schemes ⁷

Article 40 - Payment of benefits

1. Benefits paid under these Pension Rules shall be charged to the provision in respect of the Pension Schemes.

2. Contributions of staff members and contributions of the CEB shall be credited to the provision in respect of the Pension Schemes.

3. In the event of the amounts recorded by the CEB in respect of the Pension Schemes being insufficient to cover the corresponding liabilities, the Administrative Council of the CEB shall make the necessary supplementary allocations to the amounts recorded by the CEB in respect of the Pension Schemes.

4. In the event of a merger, reconstitution or other transformation of the CEB, the CEB's statutory bodies shall take the necessary measures to ensure uninterrupted payment of the Pension Scheme benefits until the cessation of entitlement of the last beneficiary.

5. In the event of dissolution or liquidation of the CEB, the CEB's statutory bodies shall set aside, before any distribution of available assets, the amounts necessary to ensure uninterrupted payment of the Pension Scheme benefits until the cessation of entitlement of the last beneficiary.

Article 41 - Contribution to the Pension Schemes

1. The Pension Schemes shall be funded by:

- i) contributions of staff members
- ii) contributions of the CEB

2. Staff members shall pay a contribution whose rate ensures that the Pension Schemes are at actuarial equilibrium. At the date of entry into force of these Rules, the contribution rate of staff members amounted to 9.1% of their basic salary.

3. The CEB shall pay a contribution whose amount shall be equal to the cost of the Pension Schemes for a year minus the staff member contributions for that year.

4. The Governor of the CEB shall arrange for an assessment of the liabilities of the CEB in respect of the Pension Schemes to be carried out at the end of each year. The purpose of this assessment is to determine the cost of the Pension Schemes for the year.

5. The cost of the Pension Schemes is the amount of funds that needs to be set aside to ensure that the provision in respect to the Pension Schemes is equal to the amount of the liabilities of the CEB in respect of the Pension Schemes.

6. The Governor of the CEB shall arrange for an assessment of the actuarial equilibrium of the Pension Schemes to be carried out at regular intervals. The purpose of this assessment is to determine whether the Pension Schemes are at actuarial equilibrium.

7. Actuarial equilibrium is achieved when contributions paid by staff members during a year amount to one third, more or less 10%, of the service cost for that year. The service cost is the actuarial value of pension entitlements acquired by staff members during a year.

⁷ By Pension Schemes, it should be understood:

- the Pension Scheme approved by the Administrative Council, on 29 January 1999, by Resolution 1432 and modified by Resolution 1559 (2013) and;
- the Pension Scheme (Second Pension Scheme, "SPS") approved by the Administrative Council, on 14 November 2013, by Resolution 1560 (2013)

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8. If the assessment of the actuarial equilibrium of the Pension Schemes shows that the Pension Schemes are below actuarial equilibrium, the Administrative Council of the CEB, acting on a proposal from the Governor, adopted on the advice of the Advisory Pension Committee, shall decide on the measures to restore the actuarial equilibrium of the Pension Schemes.

9. The actuarial assessments provided in this article shall be carried out in accordance the method described in the Annex to this article.

10. 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.

Chapter XI – Provisions relating to 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 CEB 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% 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, the Co-ordinated Organisations' tables of equivalence shall be used.

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 CEB 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 CEB 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.

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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 according to the Co-ordinated Organisations' Rules.

Notwithstanding Article 43, the implementing provisions referred to in this paragraph shall require approval by the Administrative Council of the CEB.

Chapter XII – Final provisions

Article 43 - Detailed implementation

Instructions for the implementation of these Rules shall be drawn up by the Governor of the CEB.

Article 44 - Entry into force

These Rules shall enter into force on 1 January 1999.

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Annex to article 41 - Actuarial studies

1. The assessment of the liabilities of the CEB in respect of the Pension Schemes and the assessment of the actuarial equilibrium of the Pension Schemes shall be carried out in accordance with the methodology set out in this annex.

Assessment of the liabilities of the CEB in respect of the Pension Schemes

2. For the assessment of the liabilities of the CEB in respect of the Pension Schemes, the actuarial adviser shall calculate the total cost of the Pension Schemes for the year. The total cost of the Pension Schemes is the sum of the service cost and the interest cost. The service cost is the actuarial value of pension entitlements acquired by staff members during the year. The interest cost is the increase in the actuarial value of pension entitlements acquired by staff members during the previous years, as a result of the discounted period being one year less.

3. To do so, the actuarial adviser shall calculate the present value of future pension entitlements acquired for staff affiliated to these Pension Schemes at the date of the assessment, using the accounting discount rate. The accounting discount rate shall be established in accordance with the accounting standards applied by the CEB at the date of the assessment.

Assessment of the actuarial equilibrium of the Pension Schemes

4. For the assessment of the actuarial equilibrium of the Pension Schemes, the actuarial adviser shall calculate the service cost of the Pension Schemes for the year.

5. To do so, the actuarial adviser shall calculate the present value of future pension entitlements acquired for staff affiliated to these Pension Schemes at the date of the assessment, using the long term discount rate. The long term discount rate is equal to the average of the accounting discount rates used in the end-of-year assessment of the liabilities of the CEB in respect of the Pension Schemes during the previous ten years.

6. The actuarial adviser shall then calculate the ratio between the service cost for the year and the contributions of the staff for that year.

7. The assessment of the liabilities of the CEB in respect of the Pension Schemes and the assessment of the actuarial equilibrium of the Pension Schemes shall be carried out in accordance with the projected unit credit method.

8. The Governor of the CEB, on the basis of a recommendation from the actuarial advisers and a proposal from the Advisory Pension Committee, shall determine the actuarial assumptions.

9. The actuarial assumptions shall be objective and consistent with one another. The actuarial assumptions shall be the best estimates made by the CEB of the variables that will determine the final cost of the Pension Scheme benefits. These assumptions shall comprise:

i) demographic assumptions relating to the future characteristics of the members of the staff and their beneficiaries. These demographic assumptions shall take into account the following factors:

- a) rate of mortality, during and after employment;
- b) rate of staff turnover, invalidity and early retirement;
- c) rate of claims by beneficiaries of family allowances, survivor's and reversion's pensions, orphan's and dependant's pensions; and

ii) financial assumptions, which shall take into account of the following factors:

- a) the discount rate, as defined above;
- b) future changes in salaries;
- c) the future revaluation of pensions.

10. The mortality table must be recent and relate to a population with characteristics similar to the population of members of the staff.

Appendix V bis – Second Pension Scheme "SPS" ^{1 2}

Chapter I – General provisions

Article 1 - Scope

1. The Pension Scheme established by these Rules, hereinafter referred to as the Second Pension Scheme (SPS), applies to staff members who:

- took up duty on or after 01/01/2014;
- have never contributed under the Pension Rules of the Council of Europe Development Bank as approved by the Administrative Council pursuant to Resolution 1432 ³; and
- are appointed for an indefinite duration or fixed-term in accordance with the conditions laid down in the Staff Regulations.

2. A staff member who, during his last appointment with the Organisation, benefited from the provisions of Article 11 of the Pension Rules of the Council of Europe Development Bank and who has not repaid the amounts provided for under that Article, shall be deemed to have relinquished entitlement to benefit from the scheme to which he was previously affiliated and shall be irrevocably affiliated to the SPS.

3. The SPS shall not apply to any other categories of personnel of the Organisation.

4. In these Rules, the term "Organisation" refers to the Council of Europe Development Bank and the term "staff member" means the staff referred to in paragraphs 1 and 2 above.

Article 2 - Deferred entitlement

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.

Article 3 - Definition of salary

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:

- 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.

¹ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

² It is understood that all references to the masculine include the feminine and vice versa

³ As modified from time to time

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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 Instruction⁴.

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.

Article 5 - Calculation of service conferring entitlement to benefits

1. Where a staff member appointed by the Organisation has previously served with the 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 the Organisation, payment of that pension shall cease.

If the staff member refunds to the Organisation 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% 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, 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 the confirmation of his appointment 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.

⁴ Unless otherwise specified, the term "provisions laid down by Instruction" refers, throughout these Rules, to the implementation provisions in Article 43

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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 the provisions of 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 ten 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 SPS on the basis of full-time work, by paying, in addition to his personal contribution to the SPS for the part corresponding to his part-time work, a contribution equal to three times the rate of contribution mentioned in Article 41, paragraph 2, on the difference in salary between his part-time work and the corresponding full-time work, under the provisions laid down by Instruction.

Article 6 bis - Part-time service – Effects on the calculation of entitlement

1. If, when a staff member's service ends, he is working part-time, the amount of the benefit due shall be calculated with reference to the full salary for the grade and step to be used as a basis under the provisions of these Rules.

2. However, when a staff member 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.

Chapter II – Retirement pension and leaving allowance

SECTION 1 – RETIREMENT PENSION

Article 7 - Conditions of entitlement

A staff member who has completed at least ten years of service, within the meaning of Article 4, in the Organisation shall be entitled to a retirement pension.

Article 8 - Age of entitlement, deferred or early pension

1. A staff member shall become eligible for a retirement pension at the age of 65.

2. Should there be a difference between the pensionable age and the statutory age limit, 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. In case of a staff member's employment beyond the statutory age limit, his situation with regard to the accrual of pension rights shall be governed by the provisions governing this type of employment.

3. If a staff member ceases his functions before pensionable age, payment of his retirement pension shall be deferred until he reaches that age.

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4. However, a staff member who retires before pensionable age may request early payment of his pension.

In such a case, the Organisation makes an actuarial determination, by reference to the provisions laid down by Instruction, of the ratio between the early retirement pension and the amount of pension due at pensionable age.

The minimum age for entitlement to an early pension shall be 55 years for staff members appointed between 1 January 2014 and 31 December 2015 inclusive; 56 years for staff members appointed between 1 January 2016 and 31 December 2018 inclusive; 57 years for staff members appointed between 1 January 2019 and 31 December 2021 inclusive; 58 years for staff members appointed between 1 January 2022 and 31 December 2024 inclusive; 59 years for staff members appointed between 1 January 2025 and 31 December 2027 inclusive; and 60 years for staff members appointed as from 1 January 2028.

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, 1.75% of the salary corresponding to the last grade held by the staff member for not less than two years 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 1.75% of the salary for grade B3, 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.

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 2.7 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).

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 previous employer.

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.

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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 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.

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 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.

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% 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 100% of the salary for grade C1, step 1. The invalidity pension may not be more than the last salary. Salaries are 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.

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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.

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.

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.

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 spouse⁵ 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.

⁵ Wherever it occurs in these Rules, the expression "surviving spouse" applies indifferently to the wife or husband of the deceased staff member

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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 the former staff member's 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 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.

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% 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 30% 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;
- 30% 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.

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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;
- 30% 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 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

Entitlement to a survivor's or reversion pension shall cease on remarriage.

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 has 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.

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 the last sub-paragraph of Article 24, paragraph 3. In such a case, the restriction laid down in the second sub-paragraph of 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.

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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; and

ii) 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 dying or 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.

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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.

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.

Article 26 - Commencement and cessation of entitlement

1. The pensions provided for under Articles 24 and 25 shall be payable 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.

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 education allowance shall be maintained for the recipient of a pension referred to in paragraph 1 for a duration limited to the time needed to complete, in the same establishment, the educational cycle in progress at the time of the staff member's termination of service.

8. 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.

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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.

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.

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 Remunerations and Pensions.
2. A detailed statement of the assessment shall be communicated to the staff member or the persons entitled under him at the same time as the decision awarding the pension.

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;

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ii) a retirement or invalidity pension and a loss-of-employment indemnity not paid as a lump sum.

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.

Article 33 - Basis of calculation⁶

1. Pensions provided for under the SPS 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 State of the Organisation of which he is a national, or

ii) in a Member State 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 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 4 below is applicable.

3. 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.

4. 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.

5. These options, available under paragraphs 2 and 4, shall be irrevocable.

6. If the staff member, spouse, former spouse or orphan opts for the scale of a country referred to in paragraph 2, but no scale has been established for that country, the scale applicable to the country of the CEB's headquarters shall be applied temporarily until a scale has been established for the country chosen.

7. The amount of the pension based on the scale chosen shall be calculated in accordance with Article 36.

8. The provisions of paragraph 2 above do not apply to the benefits under Article 11.

Article 34 - Re-assessment – Cancellation

1. Benefits provided for under the SPS 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.

⁶ The scales referred to in this article are those approved by the coordinated organisations in effect as at the date of implementation of the decisions provided for in said article or, for the purposes of the application of the provisions of paragraph 6, the scales established by the International Service for Remunerations and Pensions.

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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 Remunerations 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 12 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 12 months from the date of his death, his rights may, at the discretion of the Organisation, be wholly forfeited.

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 Governor 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.

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SECTION 3 – PAYMENT OF BENEFITS

Article 37 - Mode of payment ⁷

1. Subject to the provisions of Article 11 and unless otherwise provided under these Rules, pensions and family allowances shall be paid monthly in arrears.
2. These amounts shall be paid by the Organisation, or by the International Service for Remunerations 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.

Article 38 - Sums owed to the organisation

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.

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 Schemes ⁸

Article 40 - Payment of benefits

1. Benefits paid under these Pension Rules shall be charged to the provision in respect of the Pension Schemes.
2. Contributions of staff members and contributions of the CEB shall be credited to the provision in respect of the Pension Schemes.
3. In the event of the amounts recorded by the CEB in respect of the Pension Schemes being insufficient to cover the corresponding liabilities, the Administrative Council of the CEB shall make the necessary supplementary allocations to the amounts recorded by the CEB in respect of the Pension Schemes.
4. In the event of a merger, reconstitution or other transformation of the CEB, the CEB's statutory bodies shall take the necessary measures to ensure uninterrupted payment of the Pension Scheme benefits until the cessation of entitlement of the last beneficiary.
5. In the event of dissolution or liquidation of the CEB, the CEB's statutory bodies shall set aside, before any distribution of available assets, the amounts necessary to ensure uninterrupted payment of the Pension Scheme benefits until the cessation of entitlement of the last beneficiary.

⁷ As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016

⁸ By Pension Schemes, it should be understood:

- the Pension Scheme approved by the Administrative Council, on 29 January 1999, by Resolution 1432 and modified by Resolution 1559 (2013) and;
- the Pension Scheme (Second Pension Scheme, "SPS") approved by the Administrative Council, on 14 November 2013, by Resolution 1560 (2013)

Staff Regulations – Appendix V bis

Article 41 - Contribution to the Pension Schemes

1. The Pension Schemes shall be funded by:

- i) contributions of staff members
- ii) contributions of the CEB

2. Staff members shall pay a contribution whose rate ensures that the Pension Schemes are at actuarial equilibrium. At the date of entry into force of these Rules, the contribution rate of staff members amounted to 9.1% of their basic salary.

3. The CEB shall pay a contribution whose amount shall be equal to the cost of the Pension Schemes for a year minus the staff member contributions for that year.

4. The Governor of the CEB shall arrange for an assessment of the liabilities of the CEB in respect of the Pension Schemes to be carried out at the end of each year. The purpose of this assessment is to determine the cost of the Pension Schemes for the year.

5. The cost of the Pension Schemes is the amount of funds that needs to be set aside to ensure that the provision in respect to the Pension Schemes is equal to the amount of the liabilities of the CEB in respect of the Pension Schemes.

6. The Governor of the CEB shall arrange for an assessment of the actuarial equilibrium of the Pension Schemes to be carried out at regular intervals. The purpose of this assessment is to determine whether the Pension Schemes are at actuarial equilibrium.

7. Actuarial equilibrium is achieved when contributions paid by staff members during a year amount to one third, more or less 10%, of the service cost for that year. The service cost is the actuarial value of pension entitlements acquired by staff members during a year.

8. If the assessment of the actuarial equilibrium of the Pension Schemes shows that the Pension Schemes are below actuarial equilibrium, the Administrative Council of the CEB, acting on a proposal from the Governor, adopted on the advice of the Advisory Pension Committee, shall decide on the measures to restore the actuarial equilibrium of the Pension Schemes.

9. The actuarial assessments provided in this article shall be carried out in accordance the method described in the Annex to this article.

10. 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.

Chapter XI – Provisions relating to adjustment of pensions

Article 42 - Pensions which are subject to national tax legislation

Deleted.

Chapter XII – Final provisions

Article 43 - Detailed implementation

Instructions for the implementation of these Rules shall be drawn up by the Governor of the Organisation.

Article 44 – Entry into force

These Rules shall enter into force on 1st January 2014.

Staff Regulations – Appendix V bis

Annex to article 41 - Actuarial studies

1. The assessment of the liabilities of the CEB in respect of the Pension Schemes and the assessment of the actuarial equilibrium of the Pension Schemes shall be carried out in accordance with the methodology set out in this annex.

Assessment of the liabilities of the CEB in respect of the Pension Schemes

2. For the assessment of the liabilities of the CEB in respect of the Pension Schemes, the actuarial adviser shall calculate the total cost of the Pension Schemes for the year. The total cost of the Pension Schemes is the sum of the service cost and the interest cost. The service cost is the actuarial value of pension entitlements acquired by staff members during the year. The interest cost is the increase in the actuarial value of pension entitlements acquired by staff members during the previous years, as a result of the discounted period being one year less.

3. To do so, the actuarial adviser shall calculate the present value of future pension entitlements acquired for staff affiliated to these Pension Schemes at the date of the assessment, using the accounting discount rate. The accounting discount rate shall be established in accordance with the accounting standards applied by the CEB at the date of the assessment.

Assessment of the actuarial equilibrium of the Pension Schemes

4. For the assessment of the actuarial equilibrium of the Pension Schemes, the actuarial adviser shall calculate the service cost of the Pension Schemes for the year.

5. To do so, the actuarial adviser shall calculate the present value of future pension entitlements acquired for staff affiliated to these Pension Schemes at the date of the assessment, using the long term discount rate. The long term discount rate is equal to the average of the accounting discount rates used in the end-of-year assessment of the liabilities of the CEB in respect of the Pension Schemes during the previous ten years.

6. The actuarial adviser shall then calculate the ratio between the service cost for the year and the contributions of the staff for that year.

7. The assessment of the liabilities of the CEB in respect of the Pension Schemes and the assessment of the actuarial equilibrium of the Pension Schemes shall be carried out in accordance with the projected unit credit method.

8. The Governor of the CEB, on the basis of a recommendation from the actuarial advisers and a proposal from the Advisory Pension Committee, shall determine the actuarial assumptions.

9. The actuarial assumptions shall be objective and consistent with one another. The actuarial assumptions shall be the best estimates made by the CEB of the variables that will determine the final cost of the Pension Scheme benefits. These assumptions shall comprise:

i) demographic assumptions relating to the future characteristics of the members of the staff and their beneficiaries. These demographic assumptions shall take into account the following factors:

- a) rate of mortality, during and after employment;
- b) rate of staff turnover, invalidity and early retirement;
- c) rate of claims by beneficiaries of family allowances, survivor's and reversion's pensions, orphan's and dependant's pensions; and

ii) financial assumptions, which shall take into account of the following factors:

- a) the discount rate, as defined above;
- b) future changes in salaries;
- c) the future revaluation of pensions.

10. The mortality table must be recent and relate to a population with characteristics similar to the population of members of the staff.

Staff Regulations – Appendix VI

Appendix VI – Regulations on indemnity for loss of job ¹

Article 1 - Scope

These Regulations, issued in accordance with Article 44 of the Staff Regulations, lay down the conditions in which the Governor may grant an indemnity for loss of job.

Article 2 - General principles

An indemnity may be granted to a staff member who holds a firm contract² and whose services are terminated for any one of the following reasons:

- a. suppression of the post or position occupied by the staff member;
- b. changes of such a nature in the duties of the post or position occupied by the staff member that he no longer possesses the required qualifications;
- c. general staff cuts including those due to a reduction in or termination of the activities of the Council;
- d. the withdrawal from the Bank of the member state of which the staff member is a national;
- e. the transfer of the headquarters of the Bank or any of its units to another country and the consequent transfer of the whole staff concerned;
- f. the refusal by the staff member, where the contract does not cover the point, to be permanently transferred to a country other than that in which he is serving; and
 - who is not offered a post or position, as the case may be, in the same grade in the Bank; or
 - who is not appointed to a vacant post in one of the other co-ordinated organisations at a comparable remuneration; or
 - who, if employed in the public service, has not been immediately reintegrated in his national civil or military administration.

Article 3 - Calculation of indemnity

The method of calculating the indemnity differs as between fixed term contracts and indefinite term contracts.

Article 4 - Fixed term contracts ³

The amount of indemnity for loss of job shall be equal to half the product of the monthly emoluments of the staff member (basic salary plus, where appropriate, the household allowance and allowance for dependent child or other dependant or, for staff members recruited on or after 1 January 2017, the basic family allowance and the dependent child supplement) multiplied by the number of months remaining up to the expiry of the term of his contract, provided that it shall in no case exceed:

- five months' emoluments in the case of a contract for three years or less;
- eight months' emoluments in the case of a contract for four years, or for any term between three years and four years;
- ten months' emoluments in the case of a contract for more than four years.

¹ As amended by Resolution Res(2005)8 of 7 September 2005

² A firm contract shall mean a contract made with a staff member on completion of the probationary period. A staff member who has held a firm contract in a Co-ordinated Organisation and who has subsequently been offered, either in that organisation or in another Co-ordinated Organisation, a contract involving a probationary period, shall be deemed to satisfy this condition if such contract is terminated during or on completion of such probationary period

³ As amended by Resolution CM/Res(2016)18 of 18 October 2016 with effect from 1 January 2017

Staff Regulations – Appendix VI

Article 5 - Contracts of indefinite duration ⁴

1. The amount of the indemnity, expressed in months or fractions of a month of emoluments (basic salary plus, where appropriate, the household allowance and allowance for dependent child or other dependant or, for staff members recruited on or after 1 January 2017, the basic family allowance and the dependent child supplement) shall be one month's emoluments for each year of service from the date when the staff member joined the Bank. However, the amount of indemnity so calculated shall be subject to a ceiling of twenty-four months. Furthermore, the amount of indemnity shall not represent a number of months, or fractions of a month, in excess of the period which the staff member would still have to serve before reaching the age-limit specified in Article 24 of the Staff Regulations.

2. In calculating the amount of indemnity for loss of job under paragraph 1, account shall be taken, where appropriate, of any years of service previously performed by the staff member concerned in other co-ordinated organisations and in respect of which he has not received any indemnity for loss of job under the present regulations or the previous Regulations provided, however, that no account shall be taken of any years of service preceding:

- a. an interruption of the service of the staff member concerned with the co-ordinated organisation;
- b. the termination for disciplinary reasons of his or her services with any co-ordinated organisation.

Article 6 - Successive contracts with several organisations ⁵

1. Any staff member who has served not less than ten consecutive years with one or more co-ordinated organisations and whose services are terminated in the conditions specified in Article 2 shall be entitled to an indemnity for loss of job under the provisions of Article 5, whatever the nature of the contract held by him at the time when the appointment is terminated.

2. A staff member who has served not less than 10 consecutive years with one or more co-ordinated organisations and whose employment ends because the Governor decides not to renew his fixed-term contract for reasons other than underperformance shall be entitled to an indemnity for loss of job under the provisions of Article 5.

Article 7 - Emoluments taken into consideration

The emoluments to be taken into consideration when calculating the indemnity are those of which the staff member concerned was in receipt when he left the Bank.

Article 8 - Payment of the indemnity

The indemnity shall be paid to the staff member in full at the time he leaves the Bank.

Article 9 - Transitional provisions

Staff members serving with the co-ordinated organisations at the time when the Regulations of 19 September 1972 (Resolution (72) 33) came into effect shall have the right to opt for the continued application to them of the previous Regulations adopted by the Committee of Ministers on 22 January 1966 (Resolution (66) 17).

⁴ As amended by Resolution CM/Res(2016)18 of 18 October 2016 with effect from 1 January 2017

⁵ As amended by Resolution CM/Res(2013)61 of 11 December 2013

Staff Regulations – Appendix VII

Appendix VII – Regulations on unpaid leave ¹

Article 1

These Regulations, issued in accordance with Article 45, paragraph 3, of the Staff Regulations, set out the conditions under which a staff member may be granted unpaid leave, or shall be ex officio placed on unpaid leave, by the Governor.

Article 2

A staff member shall be ex officio placed on unpaid leave in the cases and conditions set out in Articles 33, 34 and 35 of the Staff Regulations.

Article 3

1. Two different types of unpaid leave are to be distinguished:

- leave for family events;
- leave for personal reasons.

Leave may be granted at the staff member's request in particular for the following reasons:

a. in respect of leave for family events:

- i. to bring up a child;
- ii. to look after a close family member suffering from a disability or an infirmity, necessitating continuous care;
- iii. following an accident or a serious illness of a child, spouse or partner ² or ascendant;
- iv. to look after a close family member nearing the end of his life;
- v. following the death of a child, spouse or partner or ascendant;
- vi. for personal health reasons.

b. in respect of leave for personal reasons:

- i. for study or research work of value for the staff member's training and/or the Bank;
- ii. because of establishment of the staff member's usual residence in a distant place from the place where he is serving, when such residence is in particular determined by the spouse's or partner's occupation;
- iii. to exercise a professional activity outside the Bank, provided that such activity is not incompatible with the duties and obligations of staff as set out in staff and administrative regulations. Such activity must not be contrary to the principles set out in the Staff Regulations or with the aims pursued by the Bank, and should not be such as to cause moral or material prejudice to the Bank;
- iv. other reasons linked to the staff member's personal development.

2. In taking his or her decision, the Governor shall have regard to the exigencies of the service and the nature of the reasons adduced. Any refusal of an application for unpaid leave must be duly justified in writing.

Article 4 ³

1. In principle, the total length of the two types of unpaid leave, in combination or in isolation, shall not exceed six years in the course of the staff member's career. The maximum length of leave for family events may be extended in exceptional circumstances. The maximum length of leave for personal reasons authorised in respect of the reasons set out in Article 3, paragraph 1, b, i, iii and iv shall be restricted to three years.

¹ As amended by Resolution Res(2004)7 of 8 July 2004

² Is considered as a partner the person having concluded a *Pacte Civil de Solidarité* (PACS) or equivalent or the person producing a *certificat de concubinage*

³ As amended by Resolution CM/Res(2013)62 of 11 December 2013

Staff Regulations – Appendix VII

2. Each period of leave shall be for a minimum period of one year. The period of leave may be renewed for not more than one year at a time. The Governor may decide otherwise in exceptional circumstances related to family events, upon a duly substantiated request. An application for renewal must be submitted four months before the end of the period of leave in hand⁴.

3. Leave shall not be granted until after expiry of the period of probation, save on one of the grounds mentioned for leave for family events. In such cases the period of probation shall be suspended for the duration of the absence and shall recommence on the staff member's return, for the length of time that remained of the period of probation before the departure on leave.

4. The staff member shall take all the annual leave to which he is entitled before being granted unpaid leave.

5. Paragraphs 1 to 4 shall not apply in the cases described in Article 2.

Article 5

1. The staff member shall inform the Governor of any change in the situation that gave rise to his application for unpaid leave.

2. The Governor may at any time verify that the situation in respect of which the leave was granted continues to exist.

3. Should it transpire that such is no longer the case, the decision to grant leave may be revoked immediately.

Article 6⁶

1. During the period of such leave the staff member shall not be entitled to any of the elements entering into his remuneration, although the Governor may exceptionally, when such leave is granted, for one of the reasons referred to in paragraph 1a. i, ii, iii, iv, v and vi of Article 3 and in serious social cases, arrange for continued payment of the allowance in respect of dependent children or other dependants or, for staff members recruited on or after 1 January 2017, the dependent child supplement and the education allowance.

2. The staff member shall not qualify for any increment or promotion.

3. The period of leave shall not be counted as a period of service in calculating the dates laid down for advancement from one step to the next⁵.

4. When the leave is granted under paragraph 1. a. of Article 3, namely leave for family events, the period of leave shall be counted as a period of full-time work for the calculating of the number of years of service with regard to the granting of long service leave.

Article 7

1. Affiliation to the primary social scheme (French Social Security or CEMESIS, French Social Security level) shall be suspended. However, entitlement to benefits can, on certain conditions, be maintained free of charge for the length of time allowed by the relevant social scheme.

2. Affiliation to the complementary scheme shall be suspended. Such affiliation can be maintained on certain conditions, on payment of the corresponding premium.

3. The pension rights of the staff member and of persons entitled under him shall be governed by the Pension Scheme Rules and the Instructions for their implementation.

⁴ ⁵ As amended by Resolution CM/Res(2010)9 of 7 July 2010

⁶ As amended by Resolution CM/Res(2016)18 of 18 October 2016 with effect from 1 January 2017

Staff Regulations – Appendix VII

Article 8

1. When staff members assigned to posts (Appendix III to the Staff Regulations) take unpaid leave, they are entitled to be reinstated in their post on their return. The post will thus be kept vacant.

2. A staff member on a position may not apply for unpaid leave extending beyond the period for which his position has been created.

Article 9

A staff member who without due cause has not resumed his duties on expiry of the period of leave shall be deemed to have resigned.

Article 10

In exceptional cases the Governor may decide to reinstate, before the end of the period of leave, a staff member who so requests.

Article 11

In determining the date of the staff member's resumption of duties the Governor shall have regard to the interests of the Bank, the staff member concerned and the person replacing him.

Article 12

A staff member on unpaid leave shall remain subject to overall administrative regulations except as otherwise provided in these Regulations.

Staff Regulations – Appendix VIII

Appendix VIII – Regulations on extra duties and night work ¹

Article 1 - Scope

These Regulations, issued in accordance with Article 51 of the Staff Regulations and pursuant to Article 10 of the Appendix IV to the said Regulations, lay down the conditions under which staff members may be required to carry out extra duties outside normal working hours and to perform night work, and prescribe the rules governing compensation for extra duties.

Article 2 - Obligations

1. In the case of urgency, an excessive workload or other exigencies of the service staff members shall be required to carry out duties outside normal working hours when formally requested to do so.

2. This obligation shall apply equally on Saturdays and, exceptionally, on Sundays, public holidays as defined by the internal regulations and other non-working days fixed by the Governor.

Article 3 - Definitions

1. For the purposes of these Regulations "overtime" means any hours worked outside the applicable working hours on the instructions of the competent superior authority.

2. "Night work" is any work done in this way between 10 p.m. and 7 a.m. on the instructions of the competent superior authority.

Article 4 - Competent Authority – Authorisation ²

1. Subject to paragraphs 2 and 3 of this Article, Directors and Heads of Department shall decide whether overtime is to be worked.

2. Night work and work on Sundays, public holidays and non-working days shall require the prior authorisation of the Director responsible for Human Resources.

3. The prior authorisation of the Director responsible for Human Resources is also required for any overtime which may give rise to financial compensation.

Article 5 - Limitation of extra duties

1. Extra duties shall be kept to a minimum.

2. Total overtime required of a member of staff shall not exceed 15 hours per week and 30 hours per month. In exceptional cases this monthly limit may be exceeded provided that the member of staff does not work more than 150 hours of overtime per half year.

Article 6 - Compensation – Basic principles

1. Overtime worked by staff in categories A and L shall not give rise to compensation. However, in exceptional cases compensatory time off may be granted to staff of these categories if they are repeatedly required to perform very considerable periods of overtime.

2. Overtime worked by staff in categories B and C shall entitle them to compensatory leave.

^{1 2} As amended by Administrative Council Resolution No. 1577 (2016) of 22 January 2016
January 2019

Staff Regulations – Appendix VIII

3. If the exigencies of the service are such that compensatory leave cannot be granted an allowance in lieu may be paid to staff in category C and grades B1, B2 and B3.

4. Overtime shall not qualify for compensation unless it exceeds 30 minutes.

Article 7 - Rules governing compensation for overtime

1. Overtime worked by staff in categories B and C shall entitle them to compensation in accordance with the conditions set out below:

a. every hour of overtime shall entitle the member of staff to a corresponding period of compensatory leave; if the overtime is worked on a Sunday, a public holiday or between 10 p.m. and 7 a.m. the compensatory leave shall be increased by 50%. Such leave shall be granted in the week or weeks following the overtime;

b. if the exigencies of the service are such that full compensatory leave cannot be granted the staff members concerned shall receive, in the cases provided for in paragraph 3 of Article 6, overtime payment at the rate of 0.06% of the average annual salary of the staff member's grade increased by 50% for work done on Sundays and public holidays or between 10 p.m. and 7 a.m.³.

2. Compensation for overtime may not be given solely in the form of a payment and compensatory leave must be taken for at least 20% of the total monthly overtime. This provision shall not apply to overtime worked by drivers.

3. Compensation may not be granted for more than 20 hours per month. Nevertheless certain staff members working in special conditions and whose work regularly exceeds the working hours of staff in general may, by virtue of a decision by the Governor, claim payment for a maximum of 30 hours of overtime per month or a lump sum allowance the amount of which shall be fixed by the Governor and not exceed the equivalent of 30 hours overtime.

Article 8 - Night work

1. Night work may not be prejudicial to the daily rest of staff members, which must average at least 11 hours over the course of a working week, and may not be less than eight hours.

2. In no circumstances may pregnant women be required to do night work.

3. No member of staff may be called upon to perform night work regularly without undergoing a prior medical examination.

Article 9 - Shift work

1. Members of staff on shift work shall not thereby be entitled to compensation if the duration of their work, calculated over a three-monthly period, does not exceed that of the other members of staff.

2. However, where this is justified by the regular nature of the shifts and other circumstances, the Governor may grant a monthly lump sum payment or additional leave to such members of staff for particularly long periods of work performed at night or on Sundays. This payment may not exceed 0.5% of the annual average salary for grade C3.

³ As amended by Resolution Res(98)13 of 9 September 1998

Staff Regulations – Appendix VIII

Article 10 - Official journeys

1. Time taken to travel to the place of work or to make an official journey cannot be considered to constitute overtime within the meaning of these Regulations.

2. Working hours on duty while away shall be according to needs.
Hours worked on duty from Monday to Friday while away cannot constitute overtime.

3. Hours worked on the occasion of a Bank's meeting away from headquarters on Saturdays, Sundays, public holidays or non-working days shall be considered to be overtime when they exceed half a day and are in the performance of the normal professional duties of the member of staff.

In such cases the provisions of Articles 6 and 7 above shall apply.

Mere attendance at a colloquy, ceremony or official visit shall not be considered as overtime.

4. The provision contained in paragraph 1 of this Article shall not prevent the exceptional granting of compensatory time off following the official journey when the journey has been made in particularly arduous circumstances.

Staff Regulations – Appendix IX

Appendix IX – Regulations on part-time work ¹

Article 1 ²

1. These Regulations, issued pursuant to Article 52 of the Staff Regulations, are intended to lay down the conditions under which staff members may, on request, be authorised by the Governor to work part time provided that such an arrangement is compatible with the exigencies of the service.

2. Part-time work is to be understood as meaning any reduced working time arrangement whereby a staff member is authorised to work 50%, 60%, 70%, 80% or 90% of statutory hours together with a corresponding salary reduction.

3. The Governor shall set by Rule the total and maximum amount of payroll for part-time work.

Article 2 ³

1. Authorisation to work part-time may be granted in response to a reasoned request submitted by the staff member in accordance with the formalities prescribed by the Governor.

2. Authorisation to work part-time shall not be granted as a matter of right. In taking the decision, the Governor shall give due consideration to the exigencies of the service and the nature of the reasons set forth.

3. Any refusal of a request to work part-time shall be duly justified in writing by the hierarchical superior(s).

4. Authorisation to work part-time may, for administrative reasons, be made subject to the transfer of the staff member in question to an appropriate post.

5. When the staff member authorised to work part-time is at his own request appointed to a different post as a result of transfer or promotion, the continuation of part-time work shall be subject to a fresh authorisation.

Article 3 ⁴

A staff member who is authorised to work part-time shall work hours representing either 50%, 60%, 70%, 80% or 90% of the official working hours, in accordance with a timetable agreed with the Head of major administrative Unit to whom the staff member is answerable.

Article 4 ⁵

1. Authorisation to work part-time shall normally be given for a period of one year, unless there are serious and compelling reasons to the contrary and without prejudice to the provisions of Article 6. It shall be renewed every year on the same conditions by tacit agreement.

2. Authorisation shall be maintained for the duration of maternity and adoption leave. Pregnant staff members may not request an increase in their working hours; they may, however, request a reduction. Beneficiaries of maternity or adoption leave may, at the end of that leave, request a modification of their part-time working hours or a suppression of the authorisation, subject, for those staff members working half-time, to the provisions of Article 6 of these Regulations.

¹ As amended by Resolution Res(2004)8 of 8 July 2004

² As amended by Administrative Council Resolution 1507 (2007) of 13 November 2007

³ ⁴ As amended by Resolution CM/Res(2013)63 of 11 December 2013

⁵ As amended by Administrative Council Resolution 1507 (2007) of 13 November 2007

Staff Regulations – Appendix IX

Article 5

When the interests of the service so require, the Governor shall be empowered to implement any transfer arrangements whereby two permanent staff members of the same grade authorised to work half-time may be appointed to a single post.

Article 6

1. On expiry of the period for which the staff member has been authorised to work half-time, he shall be reinstated in a full-time post, subject to such a post being vacant.

2. When the first vacancy arises in a post of the appropriate grade, staff members shall be reinstated on condition that they are qualified to perform the requisite duties. Until the time of reinstatement the staff member shall remain subject to the authorisation to work half-time.

Article 7⁶

1. Staff members working part-time shall receive the corresponding percentage of the various components of their remuneration, save in relation to the allowances mentioned in paragraph 2 below. The minima fixed for the household allowance (Article 4, paragraph 1, of the Regulations governing staff salaries and allowances) or, for staff members recruited on or after 1 January 2017, the basic family allowance (Article 4bis of the same Regulations) and for the expatriation or residence allowance (Article 6, paragraph 2, of the same Regulations) shall be reduced accordingly.

2. The allowance in respect of dependent children or other dependants, the allowance for a handicapped child or, for staff members recruited on or after 1 January 2017, the dependent child supplement, the supplement for dependent and disabled parent and the supplements for disabled or severely disabled child and the education allowance shall continue to be paid in full.

Article 8⁷

In calculating seniority for an increment and for any other entitlement based on length of service, except as regards pension rights (see Article 10 below), a period during which the staff member has worked part-time (i.e. 50%, 60%, 70%, 80% or 90% of normal working hours) shall be counted at 100%.

Article 9

1. A staff member working part-time shall be entitled to the leave provided for in the relevant regulations on the same basis as staff working full-time. A day's leave shall be understood as being equal to a part-time day, remunerated as specified in Article 7 above.

2. Entitlement to refund of travelling expenses for home leave shall be reduced by 2% for each month of half-time work, by 1.6% for each month worked at 60% of normal hours, by 1.2% for each month worked at 70% of normal hours, by 0.8% for each month worked at 80% of normal hours, and by 0.4% for each month worked at 90% of normal hours, falling within the period of two years in respect of which the member of staff is entitled to home leave.

3. Staff members authorised to work 80% or 90% of normal hours may, under the conditions laid down by the Governor, work full-time and acquire additional days of leave in compensation. These days of leave must be taken during the period covered by the authorisation to work part-time.

⁶ As amended by Resolution CM/Res(2016)18 of 18 October 2016 with effect from 1 January 2017

⁷ As amended by Resolution CM/Res(2013)63 of 11 December 2013

Staff Regulations – Appendix IX

Article 10

The arrangements applicable to pensions shall be as provided in the Pension Scheme Rules (Appendices V and V bis to the Staff Regulations) and their implementing instructions.

Article 11

- 1.** Staff working part-time shall continue to be bound by such rules and regulations as are not waived by these Regulations.
- 2.** During the period in question a staff member may engage in no other gainful activity, save if in receipt of an authorisation as provided for under Article 32 of the Staff Regulations.

Staff Regulations – Appendix X

Appendix X – Regulations on disciplinary proceedings

Article 1

These Regulations, issued in accordance with Article 56 of the Staff Regulations, govern disciplinary proceedings.

Article 2

1. No warning or reprimand shall be ordered by the Governor before hearing the staff member concerned.

2. If the misconduct of which the staff member is accused may warrant one of the disciplinary measures provided for in Article 54, paragraph 2.c, d and e¹, the Governor shall lay before the Disciplinary Board a report clearly specifying the reprehensible acts and the circumstances in which they were allegedly committed.

3. The said report shall be transmitted to the Chair of the Disciplinary Board, who shall bring it to the knowledge of the Board members and of the staff member.

Article 3

On receipt of the report, the staff member charged shall be entitled to see his complete personal file and to take copies of all documents relevant to the proceedings.

Article 4

At the first meeting of the Disciplinary Board the Chair shall appoint one of its members to prepare a general report on the matter.

Article 5

1. The staff member concerned shall have not less than fifteen days from the date of receipt initiating disciplinary proceedings to prepare his defence.

2. When staff members appear before the Disciplinary Board they shall have the right to submit written or oral observations, to call witnesses and to be assisted in their defence by a person of their own choice.

Article 6

The Governor shall likewise have the right to call witnesses.

Article 7

1. If the Disciplinary Board requires further information concerning the facts complained of or the circumstances in which they arose, it may order an enquiry in which each side can submit its case and reply to the case of the other side.

2. The enquiry shall be conducted by the rapporteur. For the purpose of the enquiry the Disciplinary Board may call for any document relating to the matter before it.

¹ Modified by Administrative Council Resolution 1537 (2011) of 16 September 2011
January 2019

Staff Regulations – Appendix X

Article 8

1. After consideration of the documents submitted and having regard to any statements made orally or in writing by the staff member concerned and by witnesses, and also to the results of any enquiry undertaken, the Disciplinary Board shall, by majority vote, deliver an opinion, stating its grounds, on the disciplinary measure appropriate to the facts complained of, and transmit the opinion to the Governor and to the staff member concerned within one month of the date on which the matter was referred to the Board. The time-limit shall be three months where an enquiry has been held on the instructions of the Disciplinary Board.

2. The Governor shall take his decision within one month; he shall first hear the staff member concerned.

Article 9

1. The Chair of the Disciplinary Board shall not vote on matters before the Board save on procedural questions or in case of a tie.

2. He shall ensure that the Disciplinary Board's decisions are implemented and shall bring all the relevant information and documents to the attention of each of its members.

Article 10

1. The Chair shall be responsible for the minutes of the meetings of the Disciplinary Board.

2. Witnesses shall sign the minute recording their deposition.

3. The opinion stating grounds provided for in Article 8 shall be signed by all members of the Disciplinary Board.

Article 11

Costs incurred on the initiative of a staff member in the course of disciplinary proceedings, and in particular fees to a person chosen for his defence from outside the Bank, shall be borne by the staff member when the disciplinary proceedings result in any of the measures set out under Article 54, paragraph 2.c to e² of the Staff Regulations.

Article 12

Where there are new facts supported by relevant evidence, disciplinary proceedings may be re-opened by the Governor on his own initiative or on application by the staff member concerned.

² Modified by Administrative Council Resolution 1537 (2011) of 16 September 2011
January 2019

Appendix XI – Statute of the Administrative Tribunal ¹

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.
- 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 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 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.
- 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.

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.

¹ As amended by Resolution Res(94) 11 of 5 April 1994 and by Resolution Res(99) 19 of 16 November 1999

Staff Regulations – Appendix XI

2. If the Chair states, in a reasoned report to the judges of the Tribunal, that he 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 appeal has been declared inadmissible for the reasons stated in the report, a copy of which shall be communicated to him.

Article 6 - Working languages

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

Article 7 - Preparation of case-files ²

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 Governor.

2. The Chair shall set a time-limit for the submission by the Secretary General of his observations, to which all supporting documents not already submitted by the appellant shall be attached. The observations of the Governor 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 Governor 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, 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.

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 ³

1. The Chair shall rule within fifteen days on applications made under Article 59, paragraph 9, 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.

^{2 3} As amended by Resolution CM/Res(2013)64 of 11 December 2013
January 2019

Staff Regulations – Appendix XI

4. The Governor 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 Bank 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 Bank 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 Bank 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 Bank 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.

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 Governor.

Article 13 - Internal Rules of Procedure

The Tribunal shall adopt its own Rules of Procedure.

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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 ⁴

- 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.

⁴ As amended by Resolution CM/Res(2014)4 of 11 June 2014.

Appendix XII – Regulations on the medical and social insurance scheme

(Adopted by the Committee of Ministers on 16 January 2008 at the 1015th meeting of the Ministers' Deputies)

PART I – Affiliation of serving permanent staff

Chapter I – General provisions

Article 1 - Affiliation

Subject to the provisions of Article 43, paragraph 4, of the Staff Regulations, the staff members referred to in Article 1, paragraph 1, of the Staff Regulations shall be affiliated to the Organisation's Medical and Social Insurance Scheme.

Article 2 - Commencement and cessation of entitlement

1. Entitlement to the medical benefits and accident insurance cover provided by the Organisation's Medical and Social Insurance Scheme shall start on the date on which the staff member's journey to take up his duties begins.

Entitlement to the other benefits provided by the Scheme shall start on the date on which the staff member takes up his duties, and shall be conditional on his having undergone the medical examination for new recruits.

2. Except in cases where maintenance of rights is provided for in these Regulations, entitlement to the benefits provided for in Part I of these Regulations shall cease on the date on which the staff member's contract with the Organisation terminates (Article 23 of the Staff Regulations).

However, staff members in receipt of the expatriation or residence allowance shall remain affiliated to the Organisation's Medical and Social Insurance Scheme for two weeks after termination of their contract.

Benefits shall cease after that date, subject, in the case of previously occurring contingencies, to rights acquired on the conditions applying to each contingency.

Article 3 - Suspension of entitlement

1. Unless otherwise provided for in the special rules governing maintenance of rights, entitlement to the benefits provided by the Organisation's Medical and Social Insurance Scheme shall be suspended throughout periods of unpaid leave (Appendix VII to the Staff Regulations).

2. The Secretary General shall determine by rule the conditions for voluntary affiliation to the Organisation's Medical and Social Insurance Scheme during periods of unpaid leave.

Article 4 - Definition of benefits and risks covered – Interpretation

1. The Secretary General shall determine by rule the nature of the expenses covered by the Organisation's Medical and Social Insurance Scheme, and also the rates of cover, exceptions and restrictions which apply, depending on the nature or cause of the benefits.

2. If doubts or disputes arise concerning application of the Regulations on the Organisation's Medical and Social Insurance Scheme, reference shall be made to the French Social Security legislation in force at the time when the event giving rise to a claim for benefits occurs.

3. The text of insurance policies taken out by the Organisation relating to cover for health care expenses or provident cover shall be made available to staff members.

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Article 5 - Maintenance of rights

1. When their contract with the Organisation terminates for one of the reasons specified in Article 23, paragraphs 2 and 3 a. and b. of the Staff Regulations, staff members affiliated to the Organisation's Medical and Social Insurance Scheme shall continue to be covered in respect of health care expenses for a period equivalent to that provided for under the French Social Security Scheme if, having taken up a new professional activity, they are not covered for such expenses by another scheme, either because illness or pregnancy pre dates their joining that scheme or because entitlement thereunder is subject to a qualifying period, or if they have not taken up a new professional activity.

In such cases, cover of health care expenses shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace–Moselle.

2. In the cases provided for in paragraph 1, health care expenses shall be covered on the same conditions for persons entitled through staff members, as defined in French Social Security legislation.

3. Provided that their health care expenses cannot be covered by a compulsory social security scheme, former spouses of staff members affiliated to the Organisation's Medical and Social Insurance Scheme shall continue to be covered in respect of health care expenses under the latter scheme for a period following divorce equivalent to that provided for under the French Social Security Scheme. In such cases, cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace–Moselle.

4. Persons entitled through staff members who die while serving, who are not covered by a social protection scheme either in respect of a professional activity, or by virtue of a pension scheme, shall continue to be covered in respect of health care expenses for a period of one year. In such cases, cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace–Moselle.

5. During periods of unpaid leave, entitlement in respect of health care expenses shall be maintained during the period provided for in the French Social Security Scheme. The cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace–Moselle¹.

6. The provisions of this Article shall not apply to the persons in receipt of pensions under the Organisation's Pension Scheme, referred to in Article 16, paragraph 1, of these Regulations.

Article 6 - Exceptions

1. Life insurance benefits shall be guaranteed for all deaths, even those resulting from an industrial disease covered by French Social Security legislation.

However, the following risks shall be covered with certain reservations:

- if a staff member deliberately commits suicide in full awareness of what he is doing, cover shall apply only if he has been affiliated to the Organisation's Medical and Social Insurance Scheme for at least one year. If, however, the beneficiaries can show that the staff member in question was unaware of what he was doing when he committed suicide, cover shall apply with no qualifying period;
- in wartime, life insurance cover shall be subject to the conditions applying to life insurance in wartime specified in the law of the country where the staff member is serving. Permanent, total disability resulting from injuries sustained in a generalised war shall never be covered.

¹ As amended by Resolution Res(2004)9 of 8 July 2004

Staff Regulations – Appendix XII

2. The following shall also not be covered:

- a. illnesses or accidents deliberately induced or caused by beneficiaries or persons entitled through them;
- b. war injuries sustained while beneficiaries are serving in the armed forces, either as conscripts or volunteers;
- c. injuries or lesions sustained in the course of speed trials, competitions or wagers, other than ordinary sports competitions;
- d. injuries sustained in insurrections or riots in which beneficiaries have unlawfully taken part, or in fights, unless engaging in lawful self-defence;
- e. illnesses or accidents affecting beneficiaries resident in countries which obstruct the lawful verifications which the Organisation is entitled to carry out;
- f. aircraft accidents, unless the beneficiary is on board an aircraft officially certified as airworthy and flown by a pilot in possession of a current pilot's licence. The pilot may be the beneficiary himself, provided that he has complied with current regulations. Competitions, wagers, races, aerobatics, record attempts or preparatory tests, acceptance flights, gliding, and parachute jumps, other than those rendered necessary by an aircraft's critical condition, shall not be covered;
- g. the consequences of any attempt at self-mutilation.

Article 7 - Limitation and fraud

- 1. The right of affiliated persons to bring proceedings shall lapse two years from the date on which the event giving rise to a claim for benefits occurs.
- 2. Affiliated persons shown to have defrauded the Scheme shall be required to repay the sums wrongfully received and shall also, if they are serving staff members, be liable to disciplinary sanctions.

Article 8 - Subrogation

- 1. The Organisation shall be entitled to take over affiliated persons' legal claims against potentially liable third parties, up to the level of the benefits provided. This right of subrogation shall not apply to capital benefits which may be added to similar compensation paid by third parties.
- 2. Affiliated persons must inform the Director of Human Resources of any accident of which they or other beneficiaries have been the victim, whether or not that accident was caused by a third party. They must furnish any information concerning the identity of the persons involved and their insurers, and also the circumstances of the accident, which the Organisation may require to pursue claims against potentially liable third parties.

Chapter II –Benefits

Article 9 - Expenses for medical treatment ²

- 1. The cost of medical treatment prescribed or provided by a qualified medical practitioner in cases of accident, illness or maternity shall be covered in accordance with the rules laid down by the Secretary General.

² As amended by Resolution CM/Res(2016)18 of 18 October 2016 with effect from 1 January 2017
January 2019

Staff Regulations – Appendix XII

2. Entitlement to benefits for medical treatment shall apply to staff members and persons entitled through them, viz.:

a. dependent children under the age of 20; however, supplementary cover for medical treatment may be extended, on payment of an additional contribution borne entirely by the staff member, to dependent children aged more than 20 and less than 29 who are covered by Social Security schemes in their own right (students, job-seekers, etc.);

b. spouses of staff members or persons cohabiting with staff members (as unmarried partners) who are totally dependent on them. In such cases, cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace-Moselle. However, supplementary cover for health care costs may be extended to that person on payment of an additional contribution borne entirely by the staff member. On payment of an additional contribution borne entirely by the staff member, supplementary cover may be extended to spouses or unmarried partners who are professionally active or in receipt of unemployment benefits or retirement pensions;

c. a parent or other close relation who lives in the staff member's home and looks after the house and at least two of his dependent children under the age of 14. In such cases, cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace-Moselle. However, supplementary cover for health care costs may be extended to that person, on payment of an additional contribution borne entirely by the staff member;

d. any person, but only one, who has lived with the staff member for at least one year and is wholly dependent on him (proof is required). In such cases, cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace-Moselle. However, supplementary cover for health care may be extended to that person, on payment of an additional contribution borne entirely by the staff member.

3. For the definition of persons entitled through staff members, reference shall be made to the French Social Security legislation in force when these Regulations are adopted and to any subsequent changes in such legislation.

4. Staff members must inform the Organisation of any other compulsory scheme which provides health cover for them or persons entitled through them.

5. Persons entitled to benefits provided for in this chapter, who are personally entitled to social protection under one or more other compulsory social insurance schemes, must always obtain the benefits due under those schemes before applying for benefits under the Organisation's Medical and Social Insurance Scheme, from which the former benefits shall be deducted.

Parents who are each insured under a sickness and maternity scheme shall designate, by mutual agreement, one of them to be primarily responsible for their children in respect of claims for sickness and maternity benefits.

This designation may be made at any time. Once made, it may only be changed, by mutual agreement of the parents, after an interval of one year.

However, when one of the insured parents ceases to be entitled to sickness and maternity insurance benefits, their children shall be entitled to these benefits through the other parent.

6. In cases where specific sickness benefits which are not covered by the Organisation's Scheme could have been provided by French Social Security, the Governor shall decide in each instance whether a reimbursement should be made to the staff member in question.

Staff Regulations – Appendix XII

Article 10 - Continued payment of salary during illness

1. Under the Organisation's Medical and Social Insurance Scheme, and subject to the special rules applying to accidents at work and to industrial diseases, staff members shall be entitled to continued payment of their salaries and allowances for the periods specified in the rules on the French Social Security scheme.

2. Continued payment of salary and allowances shall be conditional on the production of a medical certificate. Payment of salary and allowances may be suspended if the doctor appointed by the Organisation finds that the staff member is not following the treatment ordered or instructions issued by his own doctor, or that he is fit to return to work.

Article 11 - Maternity, paternity or adoption benefits

1. Serving staff members granted maternity, paternity or adoption leave shall be entitled, during such leave, to continued payment of their full salaries and allowances.

2. Staff members shall also receive a lump-sum allowance on birth or adoption of a child.

3. When both parents of the child are staff members of the Organisation, this allowance shall be paid once, to the parent designated by both.

Article 12 - Disability benefits ³

1. In cases of total, permanent disability, recognised as such under the Organisation's pension schemes, if the disability is regarded by the Invalidity Board provided for in those schemes as a level-three disability under the French Social Security Scheme classification, if it is confirmed that this condition renders a staff member unfit for all work, professional or other and if he permanently requires another person's assistance to perform the normal actions of everyday life, then he shall be entitled to payment of a capital sum equivalent to two years' salary.

2. In cases of total, permanent disability, recognised as such under the Organisation's pension schemes, if the disability is regarded by the Invalidity Board provided for in those schemes as a level-one or level-two disability under the French Social Security Scheme classification, and if it is confirmed that this condition renders a staff member unfit for all work, professional or other, then he shall be entitled to payment of a capital sum equivalent to one year's salary⁴. However, the sum paid shall decrease progressively after the age of 56. Furthermore, where a staff member's state of health worsens in the five years after he is declared disabled to the extent that he would now be classed in category three of the French Social Security classification, the capital sum shall be increased to the level specified in paragraph 1.

3. A staff member who, either at the time of being declared disabled or subsequently, owing to a worsening of his condition within five years of being so declared, permanently requires the assistance of another person to perform the normal actions of everyday life, shall also receive a disability pension, payable for life.

4. In the event of permanent partial incapacity, which is recognised as such by the Invalidity Board provided for under the Organisation's pension schemes and which renders him unable to perform, on a full-time basis, his employment or any other duties corresponding to his experience and qualifications which may be proposed by the Organisation, a staff member shall be entitled to an annual allowance, the amount and duration of payment of which shall be determined by rule by the Governor.

³ As amended by Resolution Res(2013)65 of 11 December 2013 and by Resolution CM/Res(2016)18 of 18 October 2016 with effect from 1 January 2017

⁴ The salary referred to here comprises basic salary and, where applicable, the household allowance, the basic family allowance, the expatriation or residence allowance and the language allowance

Staff Regulations – Appendix XII

Article 13 - Death grant ⁵

If a staff member dies, a capital sum equivalent to two years' salary⁶, shall be paid to the persons entitled through him, in accordance with the rules laid down by the Secretary General, unless this sum has already been paid under Article 12, paragraphs 1 or 2.

Article 14 - Accidents at work and industrial diseases

1. An accident at work is any accident which is caused by, or occurs in the course of, functions undertaken in the Organisation, and which causes physical or mental harm to a serving staff member.

In particular, any physical injury due to a sudden and usually violent external cause is regarded as accidental.

Specifically, any accident occurring while a staff member is on an official journey shall be regarded as an accident at work, unless he has interrupted that journey for personal reasons unconnected with his duties.

Accidents at work shall also include accidents occurring:

- i.** on a staff member's normal journey to and from work;
- ii.** when a staff member is travelling to or from an official destination or performing duties connected with an official journey;
- iii.** on the journey preceding a staff member's taking up his duties, or following his ceasing those duties, if that journey follows the route and respects the time limits laid down in the Organisation's regulations.

Industrial diseases caused by functions performed for the Organisation shall count as accidents at work.

Accidents at work or industrial diseases shall include the further effects of an accident occurring, or an industrial disease contracted, while a staff member was performing his duties, even if these effects manifest themselves when he has left the Organisation.

If problems arise with interpretation of the principles laid down in paragraphs a) to e) above, French legislation on accidents at work and industrial diseases, and the relevant French case law, shall apply by analogy.

2. Any accident covered by paragraphs a., b. and c. of this Article must be notified to the Director of Human Resources within 48 hours, unless circumstances make this impossible.

3. The Governor shall inform the staff member, when an enquiry and any necessary medical examinations have been carried out, of the decision to recognise the accident as an accident at work, or of the reasons for any decision by the insurers not to do so.

4.a. The medical costs of treating the effects of an accident at work or industrial disease, and of functional rehabilitation, shall be covered at 100% of the tariff applying in the French Social Security scheme.

b. Staff members obliged to stop work by an accident at work shall be entitled to continued payment of their full salaries and allowances, and shall, if employed on a fixed-term contract, be entitled to extension of that contract until either their health is recognised as restored or they are declared disabled or, at latest, up to the age of 65.

⁵ As amended by Resolution CM/Res(2016)18 of 18 October 2016 with effect from 1 January 2017

⁶ The salary referred to here comprises basic salary and, where applicable, the household allowance, the basic family allowance, the expatriation or residence allowance and the language allowance

Staff Regulations – Appendix XII

Chapter III –Funding

Article 15

Staff members affiliated to the Organisation’s Medical and Social Insurance Scheme pursuant to Article 1 of these Regulations shall contribute one-third of the cost of cover for benefits provided by the Scheme, with the exception of benefits for accidents at work or industrial diseases.

PART II – Affiliation of pensioners and former staff

Chapter I – General Provisions

Article 16 - Affiliation

1. Subject to the provisions of Article 21, paragraph 3, below, the following persons shall be affiliated to the Organisation’s Medical and Social Insurance Scheme:

- former staff in receipt of retirement pensions under the Organisation’s Pension Scheme and aged at least 60;
- former staff in receipt of early retirement pensions under the Organisation’s Pension Scheme, regardless of age;
- former staff in receipt of disability pensions under the Organisation’s Pension Scheme, regardless of age;
- surviving spouses in receipt of survivors’ pensions within the meaning of, and subject to the conditions and limitations provided for in, the Organisation’s Pension Scheme;
- orphans or other dependants of staff members who die while still working or after qualifying for a disability pension or an immediate or deferred retirement pension, who are in receipt of orphans’ or other dependants’ pensions under the Organisation’s Pension Scheme Rules and Article 5 of Appendix IV to the Staff Regulations.

2. Apart from the cases expressly listed in paragraph 1, a former staff member of any age may be affiliated at his own expense to the Organisation’s Medical and Social Insurance Scheme, if he has so requested prior to expiry of his contract with the Organisation, under the special conditions laid down by the Secretary General.

3. Affiliation shall cease when the persons concerned cease to fulfill the conditions for affiliation.

Article 17 - Commencement and cessation of entitlement

1. In the cases listed in Article 16, paragraph 1, of this Part, entitlement to the benefits provided for in this Part shall begin on the date on which the beneficiary becomes entitled to the benefits provided by the Organisation’s Pension Scheme.

2. Entitlement to the benefits provided for in this Part shall cease, for any person in receipt of a pension, on the date on which he ceases to receive pension benefits.

3. In the case specified in Article 16, paragraph 2, of this Part, cover shall begin on the day following that on which the staff member’s contract terminates, and shall cease on the date on which he withdraws from the Scheme.

Article 18 - Suspension

Cover for medical treatment, on the conditions applying to the affiliated persons referred to in Article 16, paragraph 1, shall be suspended for former staff members in receipt of pension benefits under the Pension Scheme Rules who engage in a remunerated professional activity.

Staff Regulations – Appendix XII

Article 19 - Definition of benefits and risks covered

The Secretary General shall determine by rule the nature of the expenses covered by the Organisation's Medical and Social Insurance Scheme, and also the rates of cover, exceptions and restrictions which apply, depending on the nature or cause of the benefits.

If doubts or disputes arise concerning application of the Regulations on the Organisation's Medical and Social Insurance Scheme, reference shall be made to the French Social Security legislation in force at the time when the event giving rise to a claim for benefits occurs.

The text of insurance policies taken out by the Organisation relating to cover for health care expenses or provident cover shall be made available to affiliated persons.

Article 20 - Exceptions – limitation and fraud – subrogation

Articles 6, 7 and 8 shall apply, mutatis mutandis, to Part II (pensioners and former staff).

Chapter II –Benefits

Article 21 - Expenses for medical treatment

1. The cost of medical treatment prescribed or provided by a qualified medical practitioner in cases of accident, illness or maternity shall be covered by the Organisation in accordance with the rules laid down by the Secretary General.

Entitlement to benefits for medical treatment shall apply to affiliated persons and persons entitled through them, viz. –

a. dependent children under the age of 20. However, supplementary cover for medical treatment may be extended, on payment of an additional contribution borne entirely by the staff member, to dependent children aged more than 20 and less than 29 who are covered by Social Security schemes in their own right (students, job-seekers, etc.);

b. the dependent spouses of affiliated persons or persons cohabiting with affiliated persons (as unmarried partners) and totally dependent on them. On payment of an additional contribution borne entirely by the staff member, supplementary cover may be extended to spouses or unmarried partners who are professionally active or in receipt of unemployment benefits or retirement pensions;

c. a parent or other close relation who lives in the affiliated person's home and looks after the house and at least two of his dependent children below the age of 14. In such cases, cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace-Moselle. However, supplementary cover for health care costs may be extended to that person, on payment of an additional contribution borne entirely by the staff member;

d. any person, but only one, who has lived with the affiliated person for at least one year and is wholly dependent on him (proof is required). In such cases, cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace-Moselle. However, supplementary cover for health care costs may be extended to that person, on payment of an additional contribution borne entirely by the staff member.

2. For the definition of persons entitled through affiliated persons, reference shall be made to the French Social Security legislation in force when these Regulations are adopted and to any subsequent changes in that legislation.

Staff Regulations – Appendix XII

3.a. Persons entitled to benefits provided for in this chapter, who are personally entitled to social protection under one or more other compulsory social insurance schemes, must always obtain the benefits due under those schemes before applying for benefits under the Organisation's Medical and Social Insurance Scheme, from which the former benefits shall be deducted.

b. Nonetheless, a person entitled to a benefit provided for in this chapter who wishes to waive his right to protection under one or more other compulsory social schemes may do so, provided that he meets any and all additional costs incurred by the Organisation.

4. Parents who are each insured under a sickness and maternity scheme shall designate, by mutual agreement, one of them to be primarily responsible for their children in respect of claims for sickness and maternity benefits.

This designation may be made at any time. Once made, it may only be changed, by mutual agreement of the parents, after an interval of one year.

However, when one of the insured parents ceases to be entitled to sickness and maternity insurance benefits, their children shall be entitled to these benefits through the other parent.

Article 22 - Maternity, paternity or adoption benefits

- 1.** Affiliated persons shall receive a lump-sum allowance on birth or adoption of a child.
- 2.** When both parents are affiliated to the Organisation's Medical and Social Insurance Scheme, this allowance shall be paid once, to the parent designated by both.

Article 23 - Disability or death benefits

- 1.** Former permanent staff in receipt of retirement pensions under the Organisation's Pension Scheme, who retire before the age of 65, may request maintenance of cover for death and for permanent and total disability.
- 2.** The capital sum paid in the event of death, or of permanent and total disability, shall be that to which the former staff member would have been entitled on the date on which his duties ceased, under the rules applying to serving staff.
- 3.** The capital sum, based on the staff member's last salary prior to retirement, shall remain unchanged during the period of maintained entitlement.
- 4.** The death grant shall be paid to the persons entitled, in accordance with the rules laid down by the Secretary General.
- 5.** This cover shall terminate at age 65 in all cases.
- 6.** Disability and death insurance cover shall not be open to the former staff members referred to in Article 16, paragraph 2.

Staff Regulations – Appendix XII

Chapter III – Funding

Article 24

Persons affiliated to the Organisation's Medical and Social Insurance Scheme under Article 16, paragraph 1, of these Regulations shall contribute one-third of the cost of cover for benefits provided by the Scheme.

However, in the cases specified in Article 21, paragraph 3b, they shall pay the entire cost of cover from the first euro, less the part payable by the Organisation in respect of supplementary affiliation.

The Secretary General shall determine the extent to which part of the cost of cover for the affiliated persons referred to in Article 16, paragraph 1, will be borne by the compulsory insurance scheme for serving staff.

Persons affiliated to the Organisation's Medical and Social Insurance Scheme under Article 16, paragraph 2, of these Regulations shall pay the full cost of their insurance.