

# Staff Regulations



Staff regulations applicable to CEB staff members that integrate the articles of the Staff Regulations of the Council of Europe and the specific decisions of the Administrative Council



# Staff Regulations – Parts I to VIII

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## History of the Staff Regulation

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.

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

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.

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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.

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.

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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.

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

Article 15 of Appendix IV 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.

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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").

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## **Notice <sup>1</sup>**

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.

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 word "Council" 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, of Article 55bis of Part VI, of Article 59§5bis of Part VII of the Staff Regulations; of Appendix XI, with the exception of Article 7, sections 1–3, of Article 9(4), of Article 12 (4); of Appendix XII.

## **Preamble <sup>2</sup>**

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 <sup>3</sup>**

### **Article 1 – Scope <sup>4</sup>**

1. These 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" or "staff") of the Council of Europe Development Bank (hereinafter referred to as the "the Bank").
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 <sup>5</sup>**

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.

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<sup>1</sup> Introduced by Resolution n° 1503 (2007) of 13 November 2007 of Administrative Council of the CEB

<sup>2</sup> Introduced by Resolution Res(2005)5 of 7 September 2005

<sup>3</sup> As amended by Resolution Res(2005)5 of 7 September 2005

<sup>4</sup> As amended by Resolution CM/Res(2013)58 of 11 December 2013

<sup>5</sup> As amended by Resolution Res(2006)4 of 3 May 2006

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## **Article 3 - Non-discrimination** <sup>6</sup>

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** <sup>7</sup>

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 administrative, planning and research duties;

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

c. category B, comprising:

- staff engaged in executive and supervisory duties;
- staff engaged in secretarial or clerical duties;

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

## **Article 5 - Numbers** <sup>8</sup>

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.

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<sup>6</sup> As Amended by Resolution Res(2006)4 of 3 May 2006

<sup>7</sup> As amended by Administrative Council Resolution 1503 (2007) of 13 November 2007

<sup>8</sup> 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 contract<sup>9</sup>**

#### **Article 11 - Authority to make appointments<sup>10</sup>**

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 policy<sup>11</sup>**

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 candidates<sup>12</sup>**

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. The Selection Committee shall consider applications first and foremost on the basis of qualifications, experience and competencies.

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<sup>9</sup> As Modified by Resolution Res(2005)5 adopted by the Committee of Ministers on 7 September 2005

<sup>10</sup> As amended by Administrative Council Resolution 1503 (2007)

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

<sup>12</sup> As modified by Resolution Res(2006)4 of 3 May 2006 and by Resolution CA 1503 (2007) of 13 November 2007

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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 - Initial contract** <sup>13</sup>

**1.** 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 initial contract and make the appointment effective.

**2.** The offer shall state the date on which duties are to be taken up and the appointment take effect. If the initial contract contains suspensive conditions, it 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 become definite. If the suspensive conditions are not met, the contract shall be null and void.

**3.** Deleted <sup>14</sup>

## **Article 16 - Starting salary** <sup>15</sup>

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. <sup>16</sup>

## **Article 17 - Probationary period** <sup>17</sup>

**1.** Before staff members can be confirmed in their appointment, they must have satisfactorily completed a probationary period, the length of which shall be determined by the Regulations on Appointments.

**2.** During the probationary period a contract may be terminated by either party at two months' notice during the first year or at three months' notice thereafter.

## **Article 18 - Confirmation in employment** <sup>18</sup>

Contracts confirming employment shall be of indefinite or fixed term duration, as determined by the Regulations on Appointments without prejudice to Articles 19 and 20 of these Regulations.

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<sup>13</sup> As amended by Resolution CM/Res(2013)58 of 11 December 2013

<sup>14</sup> Deleted by Resolution CM/Res(2013)58 of 11 December 2013

<sup>15</sup> As amended by Resolution Res(2006)19 of 8 November 2006

<sup>16</sup> 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

<sup>17</sup> As amended by Administrative Council Resolution 1503 (2007) of 13 November 2007 and Administrative Council Resolution 1537 (2011) of 16 September 2011

<sup>18</sup> As amended by Resolution CM/Res(2013)58 of 11 December 2013

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## **Article 19 - A7 and A6 grades** <sup>19</sup>

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** <sup>20</sup>

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** <sup>21</sup>

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 professional 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 Directorate responsible for Human Resources shall monitor the fair and homogeneous application of the system in the different departments.
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 23 - Termination of contract** <sup>22</sup>

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 in accordance with the Regulations on Appointments.
3. A contract for either a fixed or an indefinite period 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;

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<sup>19</sup> As amended by Administrative Council Resolution 1503 (2007) of 13 November 2007

<sup>20</sup> As amended by Resolution CM/Res(2013)58 of 11 December 2013

<sup>21</sup> As amended by Administrative Council Resolution 1503 (2007) of 13 November 2007

<sup>22</sup> As amended by Administrative Council Resolution 1503 (2007) of 13 November 2007

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**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.** manifest unsuitability or unsatisfactory work on the part of the staff member<sup>23</sup>;

termination for any of these reasons may not occur unless the staff member has been formally asked to remedy his shortcomings during a trial period that may not be less than three months or more than nine months, and the trial period has not produced any positive results;

in the event of termination for any of these reasons, the staff member is entitled to refer to an advisory Joint Committee whose composition and functioning are set out in Appendix II, Part II (Guarantees granted to staff members upon termination of contract);

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.

**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** <sup>24</sup>

**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** <sup>25</sup>

**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.

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<sup>23</sup> Article 22bis – "Under performance", introduced by Resolution CM/Res (2007)13 of 10 October 2007 and amended by Resolution CM/Res(2010)9 of 7 July 2010 does not apply to CEB's staff members as by Resolution AC 1537 (2011) of 16 September 2011

<sup>24</sup> As amended by Resolution CM/Res(2012)47 of 12 December 2012, with effect from 1 January 2013

<sup>25</sup> Added by Resolution CM/Res(2012)47 of 12 December 2012, with effect from 1 January 2013



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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.

## **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 - Publications***<sup>26</sup>

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.

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<sup>26</sup> 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 <sup>27</sup>**

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 <sup>28</sup>**

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.

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<sup>27</sup> As modified by Resolution Res(2004)5 of 8 July 2004

<sup>28</sup> As modified by Resolution Res(2004)5 of 8 July 2004

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### **Article 35 - Acceptance of an elective mandate at regional or local level <sup>29</sup>**

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.

### **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 immunities <sup>30</sup>**

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.

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<sup>29</sup> As modified by Resolution Res(2004)5 of 8 July 2004

<sup>30</sup> As amended by Administrative Council Resolution 1503 (2007) of 13 November 2007

## **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 Bank***

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 Article 5 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.

6. The Governor shall issue rules setting forth the conditions and limits applicable to payment of the expenses referred to in this article.

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## **Article 43 - Social protection** <sup>31</sup>

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 subparagraph 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** <sup>32</sup>

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 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.

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

<sup>32</sup> As amended by Resolution Res(2004)11 of 3 November 2004

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3. The provisions governing unpaid leave are set out in Appendix VII to these Regulations <sup>33</sup>.
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 <sup>34</sup>**

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.

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<sup>33</sup> As amended by Resolution Res(2004)5 of 8 July 2004

<sup>34</sup> 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 training***<sup>35</sup>

**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.

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<sup>35</sup> As amended by Administrative Council Resolution 1503 (2007) of 13 November 2007



## **PART VI: Discipline**

### **Article 54 - Disciplinary measures** <sup>36</sup>

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 from post.
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 55bis** <sup>37</sup>

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.

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<sup>36</sup> Modified by Administrative Council Resolution 1488 (2005) of 27 January 2005

<sup>37</sup> Added 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***

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 removal from post.

## **PART VII: Disputes**

### **Article 59 - Complaints procedure** <sup>38</sup>

**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 Head of the Director of 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 of 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.

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<sup>38</sup> As amended by Resolution Res(94)11 of 5 April 1994, Resolution Res(96)78 of 17 December 1996, Resolution CM/Res(2010)9 of 7 July 2010 and Resolution CM/Res(2013)58 of 11 December 2013

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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**<sup>39</sup>

**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.

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<sup>39</sup> As amended by Resolution Res(94)11 of 5 April 1994 and Resolution CM/Res(2013)58 of 11 December 2013

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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 - Amendments***<sup>40</sup>

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.

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<sup>40</sup> As Amended by Administrative Council Resolution 1503 (2007) of 13 November 2007