

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RESOLUTION (77) 23

ON THE STAFF REGULATIONS AND THE REGULATIONS ON APPOINTMENTS

*(Adopted by the Committee of Ministers on 1 July 1977
at the 273rd meeting of the Ministers' Deputies)*

The Committee of Ministers,

Having regard to Article 16 of the Statute of the Council of Europe ;

Having regard to the Council of Europe Staff Regulations ;

Having regard to the draft amendment to Articles 6 to 9 of the Staff Regulations and to the draft Regulations on Appointments, drawn up by the ad hoc Committee of Administrative Experts ;

Resolves as follows :

Article 1

Articles 6 to 9 of the Staff Regulations are replaced by the new Articles 6 to 15 as they appear in Appendix I to this resolution.

Articles 10 to 27 of the Staff Regulations are renumbered, without other modification, to become Articles 16 to 34 without any change being made in the respective order of the said articles.

Article 2

The Regulations on Appointments are also approved as they appear in Appendix II to this resolution.

Article 3

The provisions of the present resolution shall enter into force on 1 July 1977.

ARTICLES 6 TO 15 OF THE STAFF REGULATIONS

PART II

Posts and grades - Recruitment, probation, appointments - Hours of work

Article 6

Each post shall carry a grade.

The total number of officials and the number in each grade shall not be in excess of the figures indicated in the establishment table save where exceptions are authorised by the Committee of Ministers.

The Secretary General shall, acting in the interests of the service and having regard to the provisions of the Regulations on Appointments, assign each official to a post in his category which corresponds to his grade.

Article 7

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 officials engaged in administrative, planning and research duties ;
- b. Category L*, comprising officials engaged in interpretation and translation duties ;
- c. Category B*, comprising :
 - officials engaged in executive and supervisory duties,
 - officials engaged in secretarial or clerical duties ;
- d. Category C*, comprising officials engaged in technical, manual or service duties.

Article 8

As provided in Article 36.c of the Statute of the Council of Europe, in accordance with the Regulations on Appointments, the Secretary General shall make appointments to all posts in the Secretariat other than those to which the holders are elected by the Consultative Assembly.

Article 9

Recruitment should be aimed at ensuring the employment of officials of the highest ability, efficiency and integrity.

When vacancies are being filled, due allowance shall be made for the qualifications and experience of serving officials, the desirability of bringing in fresh talent from time to time, and the need for posts to be distributed fairly among nationals of the member states.

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 organisation and the other vacancies in this category either by outside recruitment or by promotion. In particular, the Secretary General will seek to secure the services, for a limited period, of civil servants from the government departments of member states.

Article 10

Appointment shall not be subject to any condition of race, creed, sex or civil status.

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

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

Article 11

To be eligible for appointment as an official of the organisation a candidate must :

- a.* be a national of a state which is a member of the organisation and have the civic rights enabling him to be appointed to the civil service of that state ;
- b.* produce evidence that he has discharged any obligations imposed on him by the legislation concerning military service ;
- c.* produce satisfactory testimonials of good character ;
- d.* meet the physical requirements of the post ;
- e.* undertake to fulfil the obligations defined in Part I of these Regulations ;
- f.* have been selected by the procedure laid down in the Regulations on Appointments.

If no suitable candidate for a post can be found or should temporary specialist assistance be required, the Secretary General may waive the nationality condition. For the official concerned this implies a contract of limited duration.

Article 12

An official shall be engaged on a contract drawn up in accordance with a standard form and concluded by him with the Secretary General under the conditions defined by the Regulations on Appointments.

The contract shall state the date on which the appointment becomes effective ; on no account may this date precede that on which the official takes up his duties.

The content of the contract shall be communicated to the candidate in a letter of appointment.

Article 13

On recruitment, an official's basic salary shall be that of the first step in his grade. However, the Secretary General 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 official's training and special experience.

Article 14

Before an official can be confirmed in his appointment as an established member of the staff, he must have satisfactorily completed a probationary period which, in accordance with the Regulations on Appointments, may not exceed two years.

Officials recruited in the upper two categories of Category A shall not be required to undergo a probationary period.

During the probationary period a contract may be terminated by either party at one month's notice during the first year or at three months' notice thereafter.

Article 15

Promotion consists in the appointment of an official to a post in a higher grade. It shall take place after a vacant or regraded post has been thrown open to competition.

The Secretary General shall decide on promotions in accordance with the conditions laid down by the Regulations on Appointments.

REGULATIONS ON APPOINTMENTS

The Committee of Ministers,

Having regard to Article 16 of the Statute of the Council of Europe ;

Having regard to Articles 6 to 15 of the Staff Regulations,

Resolves as follows :

Article 1 — Scope

The purpose of these Regulations is to set out the conditions under which permanent posts shall be filled by transfer, recruitment or promotion.

Article 2 — Definitions

1. Transfer is the appointment of an established official to another post carrying the same grade.
2. Recruitment is the appointment to a vacant post of a candidate who is not an established member of staff.
3. Promotion is the appointment of an established official to a post carrying a higher grade.

Article 3 — Qualifications required for appointment to the various categories of post

1. Candidates for posts in category A, which comprises officials engaged in administrative, planning and research duties, must have a university education with a suitable degree. Exceptionally, the degree requirement may be waived if the candidate has equivalent professional experience.
2. Candidates for posts as interpreters and translators in category L must have a general education of university standard and appropriate professional training or experience.
3. Candidates for category B posts involving executive and 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 involving technical, secretarial or clerical duties must have reached an educational standard equivalent to an intermediate level of general secondary education and possess appropriate professional qualifications.
5. Candidates for category C posts, 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 — Physical fitness

The candidate's physical fitness to carry out the duties attaching to the post applied for must be attested by a medical certificate issued following examination by a doctor chosen by the Secretary General.

Article 5 — Transfers

1. Any official may inform the Secretary General that he wishes to be assigned to another post in the same grade. His request shall be considered when a vacancy arises or when an exchange is contemplated.
2. Before filling a vacant post, the Secretary General shall first consider whether this should be done by way of transfer. If so, he shall approach the official considered for transfer in order to allow him to express his views.
3. The Secretary General shall also approach officials considered for an exchange.

Article 6 — Choice of appointment procedure

1. In the case of a vacant post which is not being filled by transfer in accordance with Article 5 above and subject to the provisions of Articles 24, 25 and 26, the Secretary General shall decide, having regard to the provisions of Article 9 of the Staff Regulations, whether the post in question should be filled from outside or thrown open to internal competition among existing staff.
2. In the case of beginning of career posts in category A, the Secretary General may hold a competitive examination confined to one or more of the member states which are under-represented in the Secretariat.
3. The decision shall be taken on the basis of an opinion, giving reasons, prepared by the Bureau of the Appointments Board.

Article 7 — Advertising of vacant posts

1. Subject to the provisions of Articles 5, 24, 25 and 26 of these Regulations, all vacancies must be advertised in accordance with the provisions of the present article.
2. If the external recruitment procedure is followed, the vacancy shall be brought to the knowledge of :
 - a. the Permanent Delegations, if the post is in category A or L or Grade B4, B5 or B6 ;
 - b. members of the Secretariat, by means of a notice posted on the premises, so that they can compete ;
 - c. the public, where necessary, by means of suitable advertisements.
3. If the promotion procedure is followed, the vacant post shall be suitably notified within the Secretariat. If the post is in category A or L or one of the top three grades of category B, the Permanent Delegations shall receive a copy of the notice for information.
4. The notice shall describe the duties attaching to the vacant post, and state the conditions for eligibility, the qualifications required of candidates and the time limit for submission of applications. The Secretary General shall determine the time limit in each case, taking the nature of the vacant post into account ; the time limit shall be not less than three weeks in the case of internal competition and not less than eight weeks in the case of external recruitment.

Article 8 — Applications

1. Applications shall be admissible only if they comply with the conditions set out in the vacancy notice.
2. If the external recruitment procedure is followed, applications must be made on an official form issued by the organisation. Any supporting documents required, including degrees, certificates, etc., must be attached to the form.
3. If the promotion procedure is followed, applications shall also be made on an official form.

Article 9 — Appointments Board

1. The Appointments Board is the Secretary General's advisory body in matters of appointment by recruitment or promotion. Its deliberations, reports, opinions and recommendations shall be confidential.
2. The Board shall be consulted in all cases except in the case of appointments to :
 - A6 and A7 posts, which are covered by Article 24,
 - posts in the Private Office of the Secretary General, which are covered by Article 26.

Article 10 — Composition of the Board

1. The Appointments Board shall consist of :
 - a. the Bureau,
 - b. the Recruitment Panel,
 - c. the Promotions Panel.
2. Their membership and functions are set forth in Articles 11, 12 and 13 of these Regulations.

Article 11 — Bureau of the Board

1. The Bureau of the Appointments Board shall consist of three members :
 - the Director General of Administration and Finance,
 - a member of the Private Office of the Secretary General nominated by the Secretary General,
 - the Head of Establishment Division.
2. The Bureau shall :
 - ensure observance of Articles 6 to 15 of the Staff Regulations and of these regulations ;
 - verify notices of vacant posts and decide how widely such posts shall be advertised ;
 - convene the Recruitment and Promotions Panels, of which it shall form *ex officio* an integral part ;
 - supervise the recruitment procedure for posts in grades B1 to B3 and category C and draw up the short list as laid down in Article 16, paragraph 2 ;
 - supply the Secretary General with opinions, in accordance with the provisions of Article 6, paragraph 3, and of Article 17, paragraph 3 (second case).
3. The Bureau shall consult a duly appointed representative of the Staff Committee before formulating its opinions or taking decisions.

Article 12 — Recruitment Panel

1. The Recruitment Panel shall comprise :
 - the three members of the Bureau,
 - two other members of grade A7, A6, A5 or A4, chosen with reference to the nature and level of the post or posts to be filled,
 - two representatives appointed by the Staff Committee.
2. The Secretary General may, if he sees fit, in view of the nature of the vacant post, invite one or two persons from outside the Organisation to sit on the Panel in an advisory capacity.
3. The Chairman of the Panel shall be the Director General of Administration and Finance.
4. Sessions of the Panel shall be valid only if at least five members are present.
5. The Recruitment Panel shall be responsible for any competitive examination or selection based on qualifications that is conducted as part of the external recruitment procedure, even where the applicants include officials already in post. The Panel shall :
 - draw up the list of applicants invited to compete ;
 - decide on the holding of tests or examinations, make arrangements for their organisation, set the subjects of the papers, and appoint the examiners ;
 - interview the applicants ; where written tests or examinations have been held, only those applicants who have obtained satisfactory results shall be interviewed ;
 - arrange the applicants in order of merit and submit a recommendation to the Secretary General giving reasons ;
 - give its opinion where a contract is terminated by the organisation during the probationary period in accordance with Article 17, and prior to the decision taken at the end of the probationary period in accordance with Article 20.

Article 13 — Promotions Panel

1. The Promotions Panel shall comprise :
 - the three members of the Bureau ;
 - a Director or Head of Department appointed for two years by the Secretary General ;
 - the Director or Head of Department responsible for the post to be filled ;
 - two representatives appointed by the Staff Committee.
2. The Chairman of the Panel shall be the Director General of Administration and Finance. However, where a category A post is to be filled, the Deputy Secretary General may also sit on the panel and take the chair.
3. Sessions of the Panel shall be valid only if at least five members are present.

4. The Promotions Panel shall be responsible for any competitive examination or selection based on qualifications that is conducted as part of the promotions procedure. The Panel shall :

- scrutinise all applications ;
- decide whether tests or examinations are to be held, make arrangements for their organisation, set the subjects of the papers and appoint the examiners ;
- assess the results of such tests and examinations ;
- where applicable, conduct interviews ;
- submit a recommendation, giving reasons, to the Secretary General on the basis of all the relevant information at its disposal. Where a number of applicants satisfy the conditions, they shall be listed in order of merit ;
- supply the Secretary General with an opinion on cases of promotion provided for in Article 22, giving reasons.

Article 14 — Competitive examination

1. Competitive examinations shall include written papers and an interview conducted by the appropriate panel. The written examinations shall be eliminatory, manuscripts must be anonymous, and must be marked by two examiners.
2. A competitive examination shall be held when posts in the starting grades of categories A, L and B are to be filled by recruitment. When other posts are to be filled by recruitment, the Recruitment Panel shall consider whether this procedure should be adopted.
3. When appointments are being made by promotion, the Promotions Panel shall decide whether written examinations should be held ; in such cases the examinations shall be designed mainly to test professional ability.

Article 15 — Selection based on qualifications

1. When selection is based on qualifications, the candidate's qualifications shall be examined and if necessary he shall be interviewed by the appropriate panel.
2. The selection procedure based on qualifications plus an interview shall be followed when recruiting :
 - to posts in category L other than those referred to in Article 14, paragraph 2 ;
 - to posts filled by securing the services of national civil servants as provided in Article 9 of the Staff Regulations ;
 - to posts in category C.

In other instances of recruitment, the appropriate panel may decide to follow this procedure, in accordance with the discretion conferred on it by Article 14, paragraph 2.

3. When appointments are being made by promotion, the appropriate panel shall normally only examine the applicants' qualifications. However, if it deems necessary, in order to form a more complete opinion of the candidates, it may decide to conduct interviews or hold a competitive examination in accordance with Article 14, paragraph 3.

Article 16 — Recruitment to posts in grades B1 to B3 and category C

1. In cases of recruitment to vacant posts in grades B1 to B3 and category C, organisation of the recruitment procedure shall be entrusted to Establishment Division and supervised by the Bureau of the Appointments Board. The latter shall designate at least two officials to conduct the interview. Article 12, paragraph 5, shall apply by analogy.
2. When the procedure has been completed, the Bureau of the Appointments Board shall draw up a shortlist for the Secretary General on which the applicants shall, where appropriate, be placed in order of merit.

Article 17 — Probation

1. Newly recruited officials shall be appointed provisionally on the basis of a contract whose duration shall correspond to the probationary period laid down in Article 18.
2. During the first year, either side may terminate this contract at one month's notice ; after the first year, three months' notice must be given.

3. Termination of the contract on the organisation's initiative shall be decided by the Secretary General on the advice of the Recruitment Panel, or, in the case of B1 to B3 or category C officials, on the advice of the Bureau of the Appointments Board.

Article 18 — Probationary period

1. The probationary period is a trial and training period and shall last :
 - two years for officials recruited into category A or L, subject to the provisions of Article 14 of the Staff Regulations concerning officials recruited to grade A6 or A7 ;
 - one year for officials recruited into category B or C.
2. Where the probationary period has been interrupted for reasons outside the official's control, the Secretary General may, on the advice of the Recruitment Panel, or, in the cases covered by Article 16, on the advice of the Bureau of the Appointments Board, extend it by the length of the interruption.
3. During the probationary period, the official shall be assigned to a department or to different departments in turn. He shall be entrusted with duties corresponding to his grade to enable him to acquire the necessary training under the supervision of his superiors. At the same time, he shall receive instruction from the administrative department responsible for in-service training in the aims, structure and functioning of the organisation.

Article 19 — Reports on probationers

1. During the probationary period, the official's immediate superiors must report on his performance at the end of the sixth, twelfth and twentieth months, where probation is for two years, and at the end of the fifth and eighth months, where it is for one year.
2. The report shall be made known to the official, who shall receive a copy, during an interview with his Director, Head of Department or, if so authorised, Head of Division. The official may make observations in writing within five working days. The report, to which the official's comments (if any) shall be attached, shall be sent to the Secretary General.

Article 20 — Confirmation in post

1. At least three months before the probationary period expires, the Recruitment Panel or, in the cases covered by Article 16, the Bureau of the Appointments Board shall examine the official's file and, in particular, the reports made on him in accordance with Article 19.
2. If the official's work is satisfactory, the Recruitment Panel or the Bureau of the Appointments Board shall recommend that the Secretary General confirm him in his post with a contract of indefinite duration, or, having regard to budgetary possibilities or when the nature of the post requires this, a fixed term contract.
3. If the official's work is unsatisfactory, the Recruitment Panel or the Bureau of the Appointments Board shall recommend that the Secretary General terminate his employment, subject to the required notice being given.

Article 21 — Promotions

1. Under the internal promotions procedure, an official may, as a general rule, be promoted only to the grade immediately above his present one. However, if the post to be filled is above that grade, the Promotions Panel may recommend either promotion to the grade corresponding to the post or appointment to the grade immediately below for a period not exceeding three years.
2. In cases of equal merit, preference shall be given to the applicant who has served longer in the grade, and, as a subsidiary criterion, with the organisation.
3. The Promotions Panel may recommend that the official be required to undergo a probationary 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 Secretary General shall take a firm decision on the basis of a report by the official's superiors ; Article 19, paragraph 2, shall apply by analogy. If the promotion is accorded, it shall have retroactive effect.
4. In the event of a post being upgraded, the Promotions Panel shall first consider whether the incumbent meets the requirements for promotion.

Article 22 — Special conditions for appointment to grades A1, A2 and A3

1. Only applicants who are at least 25 years old and have had at least two years' professional experience at a level which is considered adequate may be appointed to A2 posts by recruitment. If these conditions are not fulfilled, they shall be appointed to grade A1.
2. An applicant may only be appointed to an A3 post by recruitment if he is at least 33 years old and has had at least 8 years' professional experience in the exercise of functions which are considered equivalent to those attaching to grade A2.
3. Appointment by promotion may be made :
 - to grade A2, only if the official in grade A1 is at least 25 years old and has had two years' professional experience, including his service with the organisation ;
 - to grade A3, only if the official in grade A2 has completed at least four years' service. This period may be reduced if the official has had at least four years' professional experience prior to his recruitment by the organisation in the exercise of duties with comparable requirements. In no case, however, may the prescribed period be reduced by more than two years.

Article 23 — Access for serving officials to category A posts by competitive examination

1. Any serving official may apply for a post in category A thrown open to competition under the external recruitment procedure. If successful, the official shall be subject to the provisions of Articles 17, 18, 19 and 20, paragraphs 1 and 2, of these regulations. If his work has not proved satisfactory during the probationary period, he shall revert to his previous administrative status.
2. Officials in grades B4, B5 or B6 may apply for an A2/A3 post if, by decision of the Secretary General under Article 6, the post is, as an exceptional measure, to be filled by internal competitive examination. In addition to the requirements of Article 3 of these regulations, such officials must have completed at least four years' service in those grades and be aged under 45 years.

Article 24 — Procedure for appointment to grades A6 and A7

1. Any vacancy at grade A6 or A7 shall be suitably notified to Permanent Delegations and published within the Secretariat.
2. Before making an appointment, the Secretary General shall inform the Committee of Ministers of his intentions at an informal exchange of views.
3. In the case of a post in the Office of the Clerk of the Consultative Assembly, the Secretary General shall then inform the Bureau of the Assembly of his intentions at an informal exchange of views.
4. The procedures provided for in paragraphs 2 and 3 above shall also apply to exchanges of officials of the same grade.
5. An official recruited to a post at grade A6 or A7 may not be given an indefinite term contract until at least two years have elapsed.
6. Appointment of the Financial Controller¹ and the Secretary to the Committee of Ministers shall not become effective until approved by the latter committee.

Article 25 — Special appointment procedures

Without prejudice to the other provisions of these Regulations, appointment of the officials listed below shall be subject to observance of the following existing procedures :

- a. officials of the Registry of the European Court of Human Rights other than the Registrar and Deputy Registrar are appointed by the Secretary General with the agreement of the President or Registrar.²
- b. the Governing Board of the European Youth Foundation chooses the Executive Director of the Foundation.³
- c. the head and technical staff of the Secretariat of the European Pharmacopoeia Commission are appointed by the Secretary General of the Council of Europe on the advice of the Commission.⁴

1. Article 35 of the Financial Regulations.

2. Rule 13 of the Rules of Court of the European Court of Human Rights.

3. Article 5, paragraph 3.a., of the Statute of the European Youth Foundation.

4. Article 9 of the Convention on the Elaboration of a European Pharmacopoeia.

Article 26 — Appointments to posts in the Private Office of the Secretary General

1. Articles 6 to 20 of these Regulations shall not apply to appointments to posts in the Private Office of the Secretary General.
2. An official recruited from outside to a post in the Private Office shall be given a contract of fixed duration for not more than two years, which shall be renewable but whose final date of expiry shall not be later than that of the Secretary General's term of office.
3. An official transferred to a post in the Private Office carrying a higher grade than his present one, or an official assigned to a post of a higher grade during his work in the Private Office, shall be paid a personal allowance equivalent to the difference between the salary attaching to his grade. He may not be promoted until two years after the date of his transfer.

Article 27 — Supernumerary transfer

1. Where an official is to be transferred and there is no vacant post in his own grade, the Secretary General may, with the agreement of the Committee of Ministers, transfer the official as an exception and for a limited time to a post of a lower grade without prejudice to his rights and subject to the provisions of Article 5, paragraph 2, of these Regulations.
2. The supernumerary official shall automatically be transferred to a post of a grade corresponding to his own and in keeping with his qualifications as soon as a vacancy occurs.

Article 28 — Final provisions

1. All regulations and instructions at present in force which conflict with the provisions of these Regulations are hereby rescinded.
2. These Regulations shall enter into force on 1 July 1977.