STAFF REGULATIONS

(Version in force from 1 January 2020)

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Preamble

The Council of Europe, in its day-to-day functioning, shall respect all the principles and ideals which the Organisation defends. In particular, in the administration of the Secretariat, the Secretary General 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 (Articles 1 to 10)

Article 1 – Scope

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 (hereinafter referred to as the "Council").

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 Secretary General in a General Rule, which shall stipulate which provisions of these Regulations shall be applicable to them.

Article 2 – Hierarchical authority

Staff members of the Council shall be under the authority of the Secretary General and answerable to him or her. Hierarchical superiors in the Secretariat shall exercise their authority in the name of the Secretary General.

Article 3 – Non-discrimination

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 Secretary General 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

1. Each post or position shall carry a grade.

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2. The different grades shall be divided among four categories, in accordance with the system in force in all the Co-ordinated Organisations:
   a. category A, comprising staff engaged in professional and/or managerial duties;
   b. category L, comprising staff engaged in interpretation and translation duties;
   c. category B, comprising:
      i. staff engaged in administrative and/or team-supervisory duties;
      ii. staff engaged in support duties;
   d. category C, comprising staff engaged in technical, manual or service duties.

**Article 5 – Numbers**

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 Committee of Ministers.

**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.

**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 Secretary General shall appoint the Chair of the Joint Committee. The other members and their substitutes shall be appointed in equal numbers by the Secretary General 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

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part of the services they render to the Council. No staff member shall suffer prejudice as a result of performing such functions.
PART II: Appointments and assessment – termination of contract\(^1\) (Articles 11 to 24 bis)

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Article 11 – Authority to make appointments

As provided in Article 36.c of the Statute of the Council of Europe and in accordance with the Regulations on Appointments (Appendix II to these Regulations), the Secretary General shall make appointments to all posts and positions in the Secretariat other than those to which the holders are elected and shall assign each staff member, in the interests of the service, to a post or position in his or her category corresponding to his or her grade.

Article 12 – Recruitment policy\(^2\)

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 Committee of Ministers. In addition, the Secretary General 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 Council 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\(^3\)


\(^2\) Note: as amended by Resolution CM/Res(2013)58 of 11 December 2013, with effect from 1 January 2014.

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 Secretary General 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 Secretary General deciding not to recruit a person because s/he has expressed opinions that are incompatible with the fundamental principles enshrined in the Statute of the Organisation and the European Convention on Human Rights does not constitute discrimination under paragraph 1.

4. Applications shall be considered in the first instance on the basis of qualifications, experience and competencies.

**Article 14 – Recruitment conditions**

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

a. be nationals of a state which is a member of the Council of Europe 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**

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 Secretary General, 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 Secretary General. 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.

**Article 16 – Starting salary**

On recruitment, the basic salary of staff members shall be that of the first step in their grade. However, the Secretary General may, in exceptional circumstances, and having stated the reasons

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for his or her decision, allow additional seniority in the grade in order to take account of the staff member’s training and special experience.7

Article 17 – Probationary period

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.8

Article 18 – Confirmation in employment9

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.

Article 19 – A7 and A6 grades

Recruitment to an A6 or A7 post shall be governed by the provisions of Appendix II, Article 25.

Article 20 – Secondment to the Council of Europe

Deleted.

Article 21 – Promotion10

1. Promotion consists in the appointment of a staff member to a post or position in a higher grade.

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

Article 22 – Appraisal11

1. The appraisal process shall apply to all Council of Europe staff.

2. Appraisal shall take place at a uniform frequency throughout the Secretariat at the end of a given reference period.

3. Appraisal shall be based on objectives and competencies 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.

7 The second sentence of Article 16 does not concern beginning-of-career recruitment, to which Article 24 of the Regulations on Appointments (Appendix II to the Staff Regulations) applies.

8 Note: as amended by Resolution CM/Res(2011)3 of 16 February 2011.


6. The Appraisal Board shall monitor the fair and homogeneous application of the system in the different Major Administrative Entities.

7. The Secretary General shall lay down by rule the conditions governing the implementation of the appraisal system, and the Director of Human Resources in the Directorate General of Administration shall supervise the functioning of the system throughout the Secretariat.

**Article 22 bis – Underperformance**

1. If an appraisal or an interim appraisal concludes that the performance of a staff member is not satisfactory, the Head of that staff member’s Major Administrative Entity shall initiate an individual performance enhancement process for the benefit of the staff member. This process, which shall be run with the assistance of the Director of Human Resources, shall include appropriate support to the staff member to assist him/her in improving performance and shall involve regular monitoring of the attainment of appropriate objectives by the staff member concerned. It shall last for eight months. If, at the end of the process, the Head of the Major Administrative Entity considers that the performance of the staff member in question remains unsatisfactory, s/he shall refer the matter to the Appointments Board.

2. The Appointments Board shall transmit a reasoned recommendation to the Secretary General within eight weeks of the referral, after hearing both the staff member concerned, who may be assisted by a person of his/her choice, and the Head of the Major Administrative Entity or his/her representative.

3. After examination of the reasoned recommendation of the Appointments Board, the Secretary General may, depending on the degree of underperformance by the staff member concerned, impose on him/her one of the following underperformance measures:
   - relegation in step;
   - downgrading;
   - termination of contract.

3 bis. The provisions of this Article do not apply to staff members during their probationary period.

4. The Secretary General shall issue a Rule for the implementation of the provisions of this Article.

**Article 23 – Termination of contract**

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 end on expiry.

2 bis. The Secretary General may decide not to renew a fixed-term contract if the staff member in question has been the subject of an appraisal or an interim appraisal concluding that his/her
performance has not been satisfactory. The fixed-term contract of a staff member who has been the subject of an underperformance measure provided for in Article 22 bis, paragraph 3, cannot be renewed.

2 ter. When a fixed-term contract ends at its expiry date after confirmation in employment, a notice period of three months shall be observed.

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 or her 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 Secretary General agrees to shorten this period at the request of the staff member, who shall give reasons therefore;

b. the Secretary General, on one of the following grounds:

i. abolition of the post, after consultation of the Joint 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, calling for the imposition of a termination-of-contract underperformance measure under Article 22bis, in cases where the individual-performance-enhancement process has not had the required positive results. A termination-of-contract measure shall carry prior notice of at least three months;¹⁷

iv. permanent invalidity as provided for in the Pension Scheme Rules.

4. Persons receiving a retirement or invalidity pension under one of the Organisation’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 Council of Europe have been applied shall not be employed by the Organisation as permanent or temporary staff members.

**Article 24 – Age limit¹⁸**

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

2. By way of exception, the Secretary General 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 24bis – Service beyond the age limit¹⁹**

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

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

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

4. Health insurance cover shall be maintained.

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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 Secretary General in a rule.
PART III: Duties and obligations of staff (Articles 25 to 39)

Article 25 – Loyalty and integrity

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

«I solemnly declare that I will carry out the duties entrusted to me as a member of the staff of the Council of Europe 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 Council of Europe. 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 Council. I will refrain from any action which might reflect upon my position as a member of the staff of the Council or which might be prejudicial morally or materially to the Council.»

2. Staff members may not, without the permission of the Secretary General, 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 Secretary General 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

1. Staff members may not publish or have published any text relating to the work of the Council, 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 Secretary General.

2. The authorisation referred to in paragraph 1 shall be granted if there is no risk of the interests of the Council 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 refrain from making use of their status as a staff member of the Council.
Article 28 – Giving evidence in legal proceedings

A staff member may not, without the consent of the Secretary General, 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 Council. 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.

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 or she considers that its execution is likely to have undesirable consequences of a serious nature, he or she shall convey his or her 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 Council. 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 Council.

Article 31 – Unauthorised absence

Staff members may not absent themselves from their duties without authority. If they do so without valid reason, the Secretary General 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 Secretary General. 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 Council or with his or her being a staff member of the Council. The Secretary General 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 – Incompatibilities¹

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 Secretary General, who shall place him or her on unpaid leave for the period of the election campaign. If the staff member is elected and chooses to serve his or her political mandate, he or she shall resign from the Council.

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

A staff member wishing to stand for public office at regional or local level shall inform the Secretary General, 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 or she must take unpaid leave.

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

The Secretary General shall determine whether and to what extent a staff member may, in addition to his or her official duties, hold an elective mandate at regional or local level or whether he or she 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 Secretary General.

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 Secretary General may waive recovery of all or part of the amount on social grounds.

Article 39 – Privileges and immunities

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 any other agreements relating thereto, are conferred on staff members solely in the interests of the Council of Europe 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 Secretary General.

4. Staff members may not themselves relinquish their immunities without the permission of the Secretary General, who shall if necessary take the decision to waive them.

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PART IV: Rights of staff members (Articles 40 to 48)

Article 40 – Protection of staff members in their official capacity

1. Staff members may seek the assistance of the Secretary General 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 Council.

2. Where the Secretary General deems that the conditions set forth in the above paragraph are met, he or she shall decide what form such assistance may take and the amount up to which the Council 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 Secretary General considers that legal action may harm the interests of the Council, he or she may ask the persons concerned not to take such action; in such cases, if they do not take legal action, the Council shall make good the material damage suffered by the persons concerned, provided that they assign their rights to the Council.

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 Secretary General 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 Council

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

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

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

**Article 43 – Pension and medical and social insurance**

1. All staff members shall be affiliated to one of the Organisation'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 2002; or
   - were recruited on or after 1 January 2003 under the exceptional recruitment procedure open to long serving temporary staff members; or
   - having benefited, during their last appointment with an organisation mentioned in Article 1 of Appendix V, from the provisions of Article 11 of Appendix V, have repaid or are repaying the amount provided for under that article; or
   - were recruited on or after 1 January 2003 and have a deferred pension entitlement under the same pension scheme with an organisation mentioned in Article 1 of Appendix V.

   b. The New Pension Scheme "NPS" set out in Appendix Vbis shall apply to staff members who:

   - were recruited between 1 January 2003 and 31 March 2013, with the exception of those covered by subparagraph a; or
   - having benefited, during their last appointment with an organisation mentioned in Article 1 of Appendix Vbis, from the provisions of Article 11 of Appendix Vbis, have repaid or are repaying the amount provided for under that article; or
   - were recruited on or after 1 April 2013 and have a deferred pension entitlement under the same pension scheme with an organisation mentioned in Article 1 of Appendix Vbis or with the Defined Benefit Funded Pension Scheme (DBFPS) of the European Centre for Medium-Range Weather Forecasts (ECMWF) under the conditions laid down in Article 7, paragraph 2, of Appendix V bis.

   The age of entitlement to a retirement pension under Article 8 of Appendix V bis shall be:

   - 63 years for staff members having reached the age of 55 on 1 January 2013;
   - 63 years and 6 months for staff members aged between 50 and 55, without having reached their 55th birthday, on 1 January 2013;

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2 Note: as amended by the Ministers’ Deputies at their 655th meeting (CM/Dec(99)655/11.1) and by Resolution CM/Res(2012)46 of 12 December 2012, with effect from 1 January 2013.

3 Res(2002)4 of 6 March 2002 providing for an exceptional recruitment procedure open to long serving temporary staff members.

4 With the exception of staff members recruited on or after 1 January 2003 under the exceptional recruitment procedure open to long serving temporary staff members (Res(2002)4 of 6 March 2002).
64 years for staff members aged between 45 and 50, without having reached their 50th birthday, on 1 January 2013;
64 years and 6 months for staff members aged between 40 and 45, without having reached their 45th birthday, on 1 January 2013;
65 years for staff members who have not reached the age of 40 on 1 January 2013.

c. The Pension Scheme set out in Appendix V ter shall apply to staff members who were recruited on or after 1 April 2013, with the exception of those covered by subparagraphs a and b.

d. Staff members who, during their last appointment with an organisation mentioned in Article 1 of Appendix V or Vbis, benefited from the provisions of Article 11 of Appendix V or Vbis and have not repaid the amount provided for under that article shall be subject to the Pension Scheme in force on the date when they take up their duties.

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

a. The Medical and Social Insurance scheme applicable to staff from 1 March 1999 is set out in the Regulations on the medical and social insurance scheme (Appendix XII to the Staff Regulations).

b. 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.

c. 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.

**Article 44 – Indemnity for loss of job**

An indemnity for loss of job may be awarded to any member of staff confirmed in his or her 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**

1. Staff members shall be entitled to paid leave of two and a half working days per month of service. The Secretary General may, with the consent of the Committee of Ministers, grant additional leave.\(^5\)

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 or her appointment or transfer, the staff member had solely the nationality of the country in which he or she is employed, to the exclusion of any other nationality. A husband and wife who are on the staff of the Council, or of whom one is employed by the Council 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 or her home or separately in their respective home countries.

3. Staff members may benefit from parental leave according to the conditions established by the Secretary General and as indicated in paragraph 5 of document CM(2006)38 revised.\(^5,7\)

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4. The provisions governing unpaid leave are set out in Appendix VII to these Regulations.\(^8\)

5. The Secretary General may grant short periods of paid special leave.

6. The Secretary General 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.

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\(^6\) Paragraph 5 of document CM(2006)38 rev: “[…] so that staff members be entitled, at the birth or adoption of a child, to (unpaid) parental leave for up to 12 months and be nevertheless entitled to dependant child allowance for a limited period of six months.”.


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 Human Resources Division, with the exception of the medical file, which shall be kept by the Council’s doctor.

3. The file shall contain no document unknown to the staff member. The latter may comment on any document submitted to him or to her; 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 Secretariat. The Secretary General 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 47bis – Right to strike⁹**

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 Secretary General 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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PART V: Working conditions (Articles 49 to 53)

Article 49 – Occupational hygiene and safety
The Secretary General 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 Secretary General.

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 Organisation, the Secretary General may authorise staff members to work part-time as provided in Appendix IX to these Regulations.

Article 53 – Staff training
1. The Secretary General shall take the necessary steps to promote staff training on the basis of an annual plan drawn up in consultation with the Staff Committee, within the limits of available resources. The plan shall cover the kinds of training provided and the arrangements for its implementation.

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 Council’s aims and objectives.

3. Where this is not incompatible with the smooth running of the Council, the Secretary General may grant special facilities to staff who are studying for a qualification in a field related to the work of the Council.
PART VI: Discipline (Articles 54 to 58)

Article 54 – Disciplinary measures

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. deferment of advancement to a higher step;
   d. relegation in step;
   e. downgrading;
   f. 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 55 bis

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

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 Fund 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 Fund 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 55 bis, the provisions of Article 55 shall apply.

Article 56 – Disciplinary proceedings

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

2. Disciplinary measures shall be ordered by the Secretary General 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.d, 2.e and 2.f, the Secretary General 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 or she is to continue to receive his or her 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 or her 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.d, 2.e and 2.f 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.

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1 Note: added by Resolution Res(96)78 of 17 December 1996, with effect from 18 December 1996.
PART VII: Disputes (Articles 59 to 61)

Article 59 – Complaints procedure

1. Staff members may submit to the Secretary General a request inviting him or her to take a decision or measure which s/he is required to take relating to them. If the Secretary General 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 Secretariat, which shall acknowledge receipt thereof.

2. Staff members who have a direct and existing interest in so doing may submit to the Secretary General 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 Secretary General or any official acting by delegation from the Secretary General.

3. The complaint must be made in writing and lodged via 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 Secretary General may declare admissible a complaint lodged after the expiry of the periods laid down in this paragraph.

4. The Secretary General 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 Secretary General fails to reply to the complainant within that period, he or she shall be deemed to have given an implicit decision rejecting the complaint.

5. Either on the initiative of the Secretary General or if the staff member so requests in his or her 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 Secretary General 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.

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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.

8. The complaints procedure set up by this article shall be open on the same conditions mutatis mutandis:
   a. to former Council of Europe staff members;
   b. to persons claiming through staff members or former Council of Europe 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 Council of Europe, 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 Secretary General, for a stay of execution of the act complained of if its execution is likely to cause him or her grave prejudice difficult to redress. The Secretary General 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

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 Council 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 Secretary General’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

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the appeal proceedings unless the Tribunal decides otherwise on a reasoned request from the Secretary General.

5. While an appeal is pending, the Secretary General 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 Secretary General shall inform the Tribunal of the execution of its decisions within thirty days from the date on which they were delivered.

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

**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 (Articles 61 bis to 64)

Article 61 bis – Decisions relating to the Registry of the European Court of Human Rights

1. By delegation from the Secretary General, the Registrar of the European Court of Human Rights shall take decisions relating to the Registry under the following provisions of these Regulations and Appendices hereto:

   a. Article 3, paragraph 2
   b. Articles 11 and 13, Article 21 and Article 22 bis, paragraphs 1 to 3 bis, Article 23, paragraph 2 and paragraph 3, subparagraph b, indent iii
   c. Article 25, paragraph 2, Article 26 with regard to facts and information concerning the Court, Article 27, paragraphs 1 and 2, with regard to the work of the Court, Article 28 with regard to information concerning the Court, and Articles 32 to 36
   d. Article 52
   e. Articles 54, 56 and 57 to the extent the alleged disciplinary offence concerns the substantive work of the Court
   f. Appendix II: Regulations on appointments
      i. Article 3
      ii. Article 5, paragraphs 1 and 3.
      iii. Articles 6 and 7
      iv. Article 14
      v. Article 15, paragraph 1, third bullet-point
      vi. Articles 17 and 18
      vii. Article 21, paragraphs 1 to 4
      viii. Article 24, paragraphs 1 to 14 and 16. The application of Article 24, paragraphs 2, 7, 10 and 13, shall be without prejudice to the Secretary General’s power to set out, in a Rule, conditions for granting additional steps to candidates with more extensive professional experience
      ix. Article 25, paragraphs 1, 2, 5a and 5b, with regard to appointment to grade A6
      x. Articles 28 and 29
   g. Article 13 of Appendix IV: Regulations governing staff salaries and allowances
   h. Appendix VII: Regulations on unpaid leave, with the exception of Article 6, paragraph 1
   i. Appendix VIII: Regulations on extra duties and night work
   j. Appendix IX: Regulations on part-time work, with the exception of Article 9, paragraph 3


Staff regulations – Part VIII: Final provisions
Appendix X: Regulations on disciplinary proceedings to the extent the alleged disciplinary offence concerns the substantive work of the Court.

For the purposes of Article 22 bis, paragraphs 1 and 2 and Articles 14 and 24 of the Regulations on Appointments, the Deputy Registrars shall have the competence of Head of Major Administrative Entity.

2. The authority exercised by the Secretary General under Article 2 of these regulations with regard to the Registry shall have regard to paragraph 1 above.

3. The Registrar shall take the decisions referred to in paragraph 1 above in conformity with these regulations and appendices hereto and any implementing provisions issued by the Secretary General in accordance with these regulations and appendices hereto. The Secretary General shall inform the Registrar of any complaint under Article 59 of these regulations relating to such decisions.

4. For the purposes of application of paragraph 1 above, the recommendations of the Appointments Board under the provisions of Article 9, Article 13, Article 14 and Article 20 of Appendix II of the Regulations on Appointments, shall be made to the Registrar.

Article 61 ter – Regrading of posts at the Registry of the European Court of Human Rights

With respect to the regrading of posts at the Registry of the European Court of Human Rights, the Secretary General shall exercise the powers provided in Article 2, paragraph 5, of Appendix III: Regulations on the table of posts, with the agreement of the Registrar, except where, in the context of an overall job classification review, the Secretary General exercises this power in a way which affects posts in all sectors and Major Administrative Entities of the Council of Europe.

Article 62 – Implementing provisions

1. The Secretary General 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 Committee of Ministers.

Article 63 – Amendments

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.

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.

Note: added by Resolution CM/Res(2011)9 of 12 October 2011, with effect from 1 January 2012.
APPENDIX I: Regulations on staff participation

Article 1 – Scope

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

Part I: General meeting of staff

Article 2¹

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

2. The General Meeting shall elect its own Chair and adopt its own Rules of Procedure.

Part II: Staff Committee

Article 3 – Membership, elections, Rules of Procedure²

1. The Staff Committee shall comprise members whose term of office shall be two years. These members shall be elected within two electoral colleges, the first representing active staff members, the second representing retired staff members. Those members elected within the second college shall not constitute more than 10% of the total number of members of the Staff Committee.

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

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

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

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

6. The Staff Committee shall adopt its own Rules of Procedure.

**Article 4 – General attributions**

1. The Staff Committee shall represent the general interests of the staff and contribute to the smooth running of the Council by providing the staff with a channel for the expression of their opinions. It may also defend the interests of retired staff and other beneficiaries of the Pension Scheme.

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

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

**Article 5 – Matters within the competence of the Secretary General**

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

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

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

**Article 6 – Regulations within the competence of the Committee of Ministers**

1. The Secretary General and the Staff Committee shall consult each other on any draft that either intends to submit to the Committee of Ministers on matters which come within the competence of the Committee of Ministers under Article 16 of the Statute of the Council of Europe and which relate to:
   - alteration or amendment of the Staff Regulations,
   - alteration, amendment or adoption of other regulations concerning the staff.

2. The Secretary General shall keep the Staff Committee informed of any proceedings before the Committee of Ministers in pursuance of Article 16 of the Statute of the Council of Europe which relate to the matters referred to in paragraph 1 above.

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

Article 7 – Relations with the Committee of Ministers

1. The Staff Committee may communicate to the Committee of Ministers any proposal on the matters referred to in Article 6, paragraph 1.

2. The Committee of Ministers may consult the Staff Committee in the most appropriate manner in any proceedings relating to the matters referred to in Article 6, paragraph 1.

3. Any written communication or written consultation between the Committee of Ministers and the Staff Committee shall take place through the Secretary General. Oral consultations shall be held in his or her presence.

4. Documents drafted by the Staff Committee for the Committee of Ministers shall be transmitted by the Secretary General within one week of his or her receiving them.

Part III: Joint Committee

Article 8 – Membership

1. The Joint Committee shall consist of:

- the Chair, appointed each year by the Secretary General,
- members and substitutes, appointed each year simultaneously and in equal numbers by the Secretary General and by the Staff Committee.

2. A substitute shall sit on the Joint Committee only in the absence of a member.

Article 9 - Attributions

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

Article 10 – Meetings

1. The Joint Committee shall meet at the request of the Secretary General or of the Staff Committee.

2. The proceedings of the Joint Committee shall be valid only if all members or, in their absence, substitutes are present.

3. The Chair of the Joint Committee shall not vote except on questions of procedure.

4. The opinion of the committee shall be communicated in writing to the Secretary General and the Staff Committee.

5. Any member of the Joint Committee may require that his or her views shall be recorded in the said opinion.

Part IV: Time-limits

Article 11
The Secretary General or the Committee of Ministers, as the case may be, shall lay down the time-limits within which the Staff Committee or the Joint Committee must deliver opinions requested of them, which shall be not less than fifteen working days. The time-limit may, however, be shortened by mutual agreement. If no opinion has been delivered within the period laid down, the Secretary General or the Committee of Ministers, as the case may be, shall proceed.
APPENDIX II: Regulations on appointments

Article 1 – Scope

1. These regulations, issued in accordance with Part II of the Staff Regulations, set out the conditions under which staff members are recruited, transferred, seconded or promoted.

2. These regulations shall be completed by a General Rule of the Secretary General detailing the procedures for their implementation.

Article 2 – Definitions

1. Recruitment is the appointment to a vacant post or position of a candidate following an external competitive selection procedure.

2. Employment is the occupation for which the staff member is paid.

3. Post is an employment approved by the Committee of Ministers, included in the Table of Posts.

4. Position is an employment which is established for a fixed term.

5. Transfer is the appointment of a staff member to another post or position carrying the same grade.

6 Secondment is the placement of a staff member, with or without remuneration, with another international organisation or with a national, regional or local administration.

7 Promotion is the appointment of a staff member to a post or position carrying a higher grade.

8 Vacancy refers to a post or position which is not filled.

**Article 3 – Qualifications required for appointment to the various categories of posts or positions**

1. Candidates for posts or positions in category A, which comprises staff members engaged in professional and/or managerial duties, must have a suitable higher education degree or qualification. Exceptionally, the degree or qualification requirement may be waived if the candidate has equivalent professional experience.

2. Candidates for posts or positions as interpreters and translators in category L must have a higher education qualification and appropriate professional training or experience.

3. Candidates for category B posts or positions involving administrative and/or team-supervisory duties must have reached an educational standard equivalent to a full course of general secondary education and possess appropriate professional qualifications.

4. Candidates for category B posts or positions involving support duties must have reached an educational standard equivalent to an intermediate level of general secondary education and possess appropriate professional qualifications.

5. Candidates for category C posts or positions, which involve technical, manual or service duties, must have reached an educational standard equivalent to a general primary education and, if need be, possess appropriate professional qualifications.

**Article 4 – Medical fitness**

The candidate’s medical fitness to carry out the duties attaching to the employment applied for must be attested by a certificate in one of the two official languages of the Organisation issued following a medical examination by a physician chosen by the Secretary General.

**Article 5 – Staff movements**

**A. Transfers**

1. When vacancies occur, the Secretary General may decide that they should be filled by transfer without an internal competition. In such cases, the staff members considered for transfer shall be invited to express their views.

2. Heads of Major Administrative Entities, as defined by the Secretary General in a General Rule, may transfer or exchange staff within the administrative entity for which they are responsible. In such cases, they shall invite the staff members concerned to express their views and inform them in writing of the decision and of their new duties. The Director of Human Resources shall be informed before the transfer takes effect.

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3. Any staff member confirmed in employment may inform the Secretary General, via the Director of Human Resources, that he or she wishes to be assigned to another post or position in the same grade.

B. Secondments

4. Any staff member confirmed in employment for an indefinite duration may be seconded to work with or without maintenance of his or her remuneration for a limited period for another international organisation, or national, local or regional administration.

5. The maximum period of secondment shall not exceed three years in the career of a staff member. This period may be extended in exceptional cases by a maximum period of three years by decision of the Secretary General. Periods of secondment shall not be taken into account within the context of Appendix VII to the Staff Regulations (Regulations on leave for personal reasons). If the staff member accepts a secondment at the request of the Secretary General, the time spent on such a secondment shall not be taken into account for the purposes of the calculation of the maximum period foreseen by this Article.

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

7. In the cases referred to under Articles 25 and 26, the Secretary General shall also comply with the special procedures laid down.

Article 6 – Choice of appointment procedure

1. In the case of a vacant post or position and without prejudice to the provisions of Articles 5 (paragraph 1) 25, 26 and 27, the Secretary General shall decide, having regard to the provisions of Article 12 of the Staff Regulations:
   a. whether the post or position in question should be filled through recourse to the external recruitment procedure or be opened to internal competition among existing staff and;
   b. in the case of external recruitment, whether it is envisaged to fill the post or position in question by recourse to the procedure for indefinite-term contracts (Article 15 A) or to the procedure for fixed-term contracts (Article15 B);
   c. where the employment is to be for a job profile for which he/she has taken a decision under Article 16 of these Regulations, whether the post or position in question should be filled by recruiting a candidate from an existing reserve list or by recourse to the recruitment procedure provided for in that Article.

2. In the case of a vacant post or position the Secretary General may also decide to appoint a suitable candidate named in a valid reserve list established under Article 15, paragraph 2, of these Regulations without having recourse to the recruitment procedure or an internal competition.

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

Article 7 – Advertising of vacant posts or positions


1. Except in the cases provided for in Articles 5 (paragraphs 1 and 2), 6 (paragraph 2), 26 and 27 and subject to the provisions of Article 25 of these regulations, all vacancies shall be advertised in accordance with the provisions of this article.

2. If the external recruitment procedure is followed, the vacancy shall be brought to the knowledge of:
   a. the Permanent Representations, if the post or position is in category A, L or B;
   b. members of the Secretariat, by means of a suitable notice, so that they can compete, subject to the provisions of Article 6, paragraph 3;
   c. the public by means of suitable advertisements.

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

4. The notice shall describe the duties attaching to the vacant post or position and state the conditions for eligibility, the qualifications required of candidates, the documents to be provided in support of the application and the time-limit for submission of applications. The time-limit shall not be less than two weeks in the case of internal competition and not less than three weeks in the case of external recruitment.  

5. If the recruitment procedure is followed, the notice shall set out whether the recruitment is for employment on an indefinite-term contract or for employment on a fixed-term contract.

6. In the case of recruitment under a job profile which the Secretary General has decided falls under the provisions of Article 16 of these Regulations, the notice shall stipulate the maximum duration of employment under such profile.

**Article 8 – Applications**

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

**Article 9 – Appointments Board**

1. The Appointments Board (hereafter referred to as “the Board”) is the Secretary General’s advisory body in matters of appointment by recruitment or promotion, and in such other cases as are explicitly provided for in these Regulations. Its deliberations, reports, opinions and recommendations shall be confidential. The Board may indicate in its report which information may be communicated to unsuccessful candidates. In no case must personal information on a candidate be revealed to other candidates or third persons.

2. Notwithstanding paragraph 1, the Board shall not be consulted in the case of:
   - appointments to A6 and A7 posts, which are covered by Article 25;
   - appointments to posts which are covered by Article 26;
   - appointments to posts in the Private Office of the Secretary General, which are covered by Article 27;
   - appointments to posts and positions which are filled by means of Article 5 or other transfers.

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• appointments to posts and positions under a job profile which the Secretary General has decided falls under the provisions of Article 16 of these Regulations.
• promotions covered by Article 24, paragraphs a to d of these Regulations.

3. Opinions and recommendations submitted to the Secretary General by the Board shall set out the reasons on which they are based, be signed by all persons having participated in the deliberations and, should the occasion arise, be accompanied by their dissenting opinions.

4. The members of the Board shall be completely independent in the discharge of their duties: they shall not receive any instructions.

5. The Board’s membership and functions are set out in Articles 10, 11, 13, 14, 17, 18, 20, 21 and 24 of these Regulations.

Article 10 – Composition of the Board

1. The Board shall comprise the following members with voting rights:
   • the Director of Human Resources or a staff member designated to this end by the Director of Human Resources;
   • a staff member of grade A5 at least appointed to this end for two years by the Secretary General (or his or her alternate);
   • a staff member designated by the Staff Committee;
   • in the case of recruitment or internal competition to fill a post or position in a specific Major Administrative Entity, a representative of this entity of at least the same grade as that of the post or position to be filled; in the case of recruitment to fill posts or positions in several Major Administrative Entities, a representative of one of these entities of at least the same grade as that of the post or positions to be filled;\(^\text{13}\)
   • in the case of underperformance of a staff member, a representative of the same Major Administrative Entity of a higher grade than the staff member concerned;
2. The Chair of the Board shall be the Director of Human Resources or his/her representative.
3. The Deputy Secretary General and the Director General of Administration may decide to sit on the Board. If the Deputy Secretary General sits on the Board, he or she shall take the Chair. If the Director General of Administration sits on the Board and the Deputy Secretary General does not, the former shall take the Chair. In such cases, the more senior person shall cast the vote of the Director of Human Resources.
4. In the case of a parity vote, the Chair of the Board shall have the casting vote.
5. The equal opportunities officer in the Directorate of Human Resources may sit on the Board in an advisory capacity.
6. The Secretary General may invite up to two more persons, from outside the Council or from among serving staff, to sit on the Board in an advisory capacity.

Article 11 – Validity of the Board’s decision

Sessions of the Board shall be valid if at least three members are present.

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Article 12 – Functions of the Director of Human Resources with regard to recruitment, transfers and promotions

The Director of Human Resources shall be responsible for managing recruitment and internal competition procedures, for ensuring that the selection process is appropriate and consistent with the needs of the Organisation and for taking the necessary decisions in this regard. In the case of a procedure to fill a vacancy in a specific Major Administrative Entity, the Director of Human Resources shall work in close co-operation with the Major Administrative Entity concerned.

Article 13 – Functions of the Board with regard to recruitment and promotions

At the end of a recruitment procedure or an internal competition which may result in the promotion of a staff member, the Board shall assess the procedure and submit a recommendation to the Secretary General on the basis of all the relevant information at its disposal. Where a number of applicants are included in the recommendation, they shall be listed in order of merit.

Article 14 – Functions of the Board with regard to underperformance measures

1. In the case of continued underperformance by a staff member who has undergone an individual performance enhancement procedure the Head of the Major Administrative Entity concerned shall transmit the relevant appraisal reports to the Appointments Board as well as a reasoned proposal for one of the underperformance measures provided for in Article 22 bis, paragraph 3, of the Staff Regulations.

2. The Appointments Board shall make a reasoned recommendation to the Secretary General on the imposition of an underperformance measure. Before making a recommendation the Appointments Board shall hear the staff member concerned (who may be accompanied by a person of his or her choice) and the Head of the Major Administrative Entity or his/her representative. The staff member may also submit written observations prior to the hearing. The recommendation shall be made within eight weeks of the referral by the Head of the Major Administrative Entity. The recommendation and any supporting documentation sent to the Secretary General shall also be sent to the staff member.

Article 15 – Recruitment procedure

1. Recruitment procedures shall consist of shortlisting of applications, assessments, and interviews:

- shortlisting shall be based on the eligibility criteria detailed in the vacancy notice. Candidates who best match the requirements shall be invited to the next stage of the selection process;

- assessments can include written papers, ability tests, knowledge tests, simulation exercises, situational judgement exercises, assessment centres, questionnaires, or any other type of assessment deemed appropriate for the recruitment needs; at least one assessment must be eliminatory;

- interviews shall be conducted by the Appointments Board. The Secretary General may invite up to two more persons, from outside the Council or from among serving staff, to take part in the interviews in an advisory capacity.

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When the number of successful applicants in a recruitment procedure exceeds the number of vacant posts or positions open to competition, a reserve list placing applicants in order of merit may be drawn up. Successful applicants shall be notified that their name appears on the reserve list. A reserve list shall be valid for two years; its validity may be extended up to a maximum of four years.

Article 15A – Recruitment for indefinite-term contracts

In accordance with Article 6 of these Regulations, the Secretary General can decide that a recruitment procedure for an indefinite-term contract shall be held. The vacancy notice shall clearly state that the recruitment is for the career path leading to an indefinite-term contract.

Article 15B – Recruitment for fixed-term contracts

In accordance with Article 6 of these Regulations, the Secretary General can decide that a recruitment procedure for a fixed-term contract shall be held. The vacancy notice shall clearly state that the recruitment is for the career path leading to a fixed-term contract.

Article 16 – Junior professional programmes and profiles with planned turnover

1. The Secretary General may determine, by means of a Rule, specific job profiles which shall exclusively be filled in the framework of junior professional programmes or for which it is in the interest of the Organisation that a regular turnover takes place. In such a Rule, the Secretary General shall also set a maximum duration for employment under such profiles. Total employment with the Organisation under such profiles shall not exceed that maximum duration.

2. Profiles for which a Rule under the preceding paragraph has been drawn up shall be filled only by recruitment. Vacant posts or positions under such profiles shall not be open to internal competition.

3. A recruitment procedure for such a profile shall, as a minimum, include the shortlisting of applicants and an interview. If necessary, assessments may be held after the shortlisting and may be eliminatory. The provisions of Article 15, paragraphs 1 and 2, of these Regulations, shall apply accordingly.

4. Staff members recruited under such profiles shall not be eligible for any subsequent internal competition, promotion or transfer, or for secondment.

Article 17 – Probation

1. Staff members recruited in accordance with the provisions of Articles 15 and 16 of these Regulations on appointments shall be subject to a two-year probationary period during which time they shall be appointed on the basis of fixed-term contracts.

2. During this period, either side may terminate the contract at two months’ notice. Should this notice period extend beyond the term of the initial contract, then that contract shall be extended accordingly.

3. Termination of the contract on the initiative of the Secretary General shall be decided by him or her on the advice of the Board.

Article 18 – Probationary period


1. The probationary period is a trial and training period and may be extended by one year, in the case provided for in Article 20, paragraph 3.

2. Where the probationary period has been interrupted for reasons outside the staff member’s control, the Secretary General may, on the advice of the Board, extend it by the length of the interruption.

3. During the probationary period, the staff member shall be assigned to a Major Administrative Entity or to different Major Administrative Entities in turn. He/she shall be entrusted with duties corresponding to his or her grade to enable him or her to acquire the necessary training under the supervision of his or her superiors. The staff member shall take part in induction activities organised by the Director of Human Resources and covering the aims, structure and functioning of the Council.  

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4. During the probationary period, staff members cannot apply for internal competitions or be promoted.25

**Article 19 – Appraisal during the probationary period**

The conditions governing the appraisal of staff members during their probationary period are laid down in a General Rule. The provisions of Article 22 of the Staff Regulations apply, *mutatis mutandis*, to the appraisal of staff members during their probationary period.

**Article 20 – Confirmation in employment for an indefinite duration or for a fixed term**26

1. Before the probationary period expires, the Board shall examine the staff member’s file and, in particular, his or her appraisal reports made in accordance with Article 19.

2. If the staff member’s work is satisfactory, the Board shall recommend that the Secretary General confirm him or her in his or her employment.

3. If the staff member’s work is the subject of conflicting opinions, the Board may, in exceptional cases, recommend that the Secretary General extend the probationary period in accordance with the provisions of Article 18, paragraph 1.

4. If the staff member’s work is unsatisfactory, the Board shall recommend that the Secretary General terminate the employment, subject to the required notice being given. The staff member concerned shall be notified of this recommendation and shall have the right to submit observations to the Secretary General within eight working days.

5. A fixed-term contract may initially be offered for a duration of at least six months and for a maximum duration of two years. It may be extended or renewed one or more times, each time for a maximum period of five years. When deciding whether a fixed-term contract shall be prolonged or not, the Secretary General shall take at least three criteria into account: the need of the Organisation in terms of competencies, secured funding and satisfactory performance of the staff member. The Secretary General may determine the application of these criteria and add additional criteria in a Rule.

6. Staff members recruited for the career path leading to indefinite-term contracts shall be granted such a contract upon confirmation in employment.

7. Following confirmation in employment, a staff member recruited for employment on fixed-term contracts shall be offered a fixed-term contract which may be renewed in accordance with the provisions of paragraph 5. Before a renewal which would bring the staff member’s service on fixed-term contracts with the Organisation to more than nine years, the Director General of Administration, having consulted the Major Administrative Entity concerned, shall examine the file and make a recommendation to the Secretary General whether the contract should be extended beyond nine years or expire.

8. For staff members employed on fixed-term contracts following a competition under Article 15B of these Regulations and who are confirmed in employment, the Secretary General may decide to hold a special formal assessment procedure for specific profiles in specific grades allowing the successful candidates to be employed on indefinite-term contracts.

**Article 20 bis – Maximum length of fixed-term employment**27

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25 Note: as amended by Resolution CM/Res(2010)9 of 7 July 2010, which does not affect applications for promotions to vacant posts or positions before its adoption. The procedures in question will be concluded in accordance with the provisions in force at the time when the vacancy was advertised.

Article 21 – Internal competition

1. Internal competitions are open to staff members holding the same grade or a grade lower than the grade of the vacancy to be filled.

2. In cases of equal merit, preference shall be given first, to the applicant who already holds the grade of the post in question, second, to the applicant who has served longer in the grade immediately below and, as a subsidiary criterion, with the Council.


3. The Secretary General may decide that the successful staff member be required to undergo a probationary period in the higher post for which he or she has applied before a decision is taken regarding his or her 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 staff member’s superiors; Article 19 shall apply by analogy. If the promotion is accorded, it shall have retroactive effect.

4. Should an employment with duties and qualification requirements identical to those of the advertised post or position be vacant in the same Major Administrative Entity or become vacant within a time-frame of six months as a result of a decision of the Secretary General following an internal competition, the Secretary General may decide that the applicant ranked next in order of merit in accordance with Article 13, be appointed to the vacancy in question.

4 bis. Staff members who are appointed to a new post or position following an internal competition shall not be eligible to apply for internal competitions for transfer which are advertised during the two years following that appointment.

5. In the event of a post being upgraded, the Board shall consider whether the incumbent meets the requirements for promotion. If the incumbent does not satisfy the requirements for promotion, the post shall be opened for internal competition. The Secretary General shall establish, by a General Rule, the modalities for and conditions under which this provision will be applied.

**Article 21 bis – Promotions within the same Major Administrative Entity**

Deleted.

**Article 22 – Equality of opportunity**

1. In the event of equal merit between a woman and a man both of whom are candidates in an external recruitment or internal competition procedure, preference shall be given, notwithstanding the provisions of Article 21 paragraph 2, to the candidate of the sex which is under-represented in the grade and category to which the vacancy belongs.

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

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

**Article 23 – Access for serving staff to category A posts by competitive examination**

Subject to the provisions of Article 6, paragraph 3, any serving staff member may apply for a post or position in category A thrown open to competition under the recruitment procedure. If successful, he or she shall be subject to the provisions of Articles 17, 18, 19 and, as appropriate, of Article 20, paragraphs 1, 2 and 3 or Article 21, paragraphs 1, 2 and 3. If his or her work has not proved satisfactory during the probationary period, he or she shall revert to his or her previous administrative status.

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Article 24 – Beginning-of-career appointments and passage between categories of posts or positions

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

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

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

3. Staff members shall be promoted to A2 on the date upon which their confirmation in employment takes effect.

4. Staff members may be promoted to A3 after six years of service in the A2 grade upon a proposal by the Head of their Major Administrative Entity on the minimum condition that they have fully met the requirements of their post/position during the previous three years. On receipt of the proposal, the Director of Human Resources shall verify the relevant appraisals of the staff members concerned and submit the file to the Secretary General for his/her decision.

5. Deleted.

b. Conditions for appointment to grades B1 and B2

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

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

8. Staff members shall be promoted to B2 on the date upon which their confirmation in employment takes effect.

c. Conditions for appointment to grades C1 and C2

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

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

11. Staff members shall be promoted to C2 on the date upon which their confirmation in employment takes effect.

d. Conditions for appointment to grades L1 and L2

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

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33 The provisions on promotions in paragraphs 3, 8, 11 and 14 of this Article shall only apply to staff members recruited on or after 1 January 2014. To staff members recruited before that date, the previous version of these paragraphs shall apply.


13. The entry grade to this group of grades shall be L1. However, external candidates with six years’ professional experience involving duties similar to those exercised by L grade staff members, or with three years’ such professional experience and a post-graduate doctoral qualification, shall be appointed to grade L2. The Secretary General shall set out, in a Rule, the conditions for granting additional steps to candidates with more extensive professional experience.

14. Staff members shall be promoted to L2 on the date upon which their confirmation in employment takes effect.

e. Special procedure for L and B grade staff wishing to become eligible for appointment to category A posts and positions

15. The Secretary General shall organise on a regular basis a formal assessment procedure, which shall include a competitive examination, for L and B grade staff members wishing to become eligible for appointment to category A posts or positions. The procedure shall be open to all L grade staff members who have, in the opinion of the Appointments Board, fully met the requirements of their post/position during the previous three years. It shall be open also to B grade staff members who fulfil all of the following conditions: they have served for six years in the Organisation and they have, in the opinion of the Appointments Board, fully met the requirements of their post/position during the previous three years. A positive assessment will result in the staff member concerned being able to participate in internal competitions for vacant category A posts or positions.

f. Eligibility of C grade staff for appointment to category B posts or positions

16. Staff of category C may participate in internal competition procedures for category B posts or positions.

Article 25 – Procedure for appointment to grades A6 and A7

1. Any vacancy at grade A6 or A7 shall be notified to Permanent Representations and published within the Secretariat unless, where particular circumstances so require, the Committee of Ministers shall decide otherwise on a proposal by the Secretary General.

2. The Secretary General shall make an appointment after an informal exchange of views with the Committee of Ministers, during which he or she shall make known his or her intentions and the reasons for his or her choice.

3. In the case of a post in the Secretariat of the Parliamentary Assembly, the Secretary General shall also inform the Bureau of the Assembly of his or her intentions at an informal exchange of views.

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

5a. External candidates

Recruitment to an A7 or A6 post shall be governed by an initial contract for a fixed term of two years, corresponding to a probationary period subject to the provisions of Articles 17 (paragraph 2) and 18 (paragraphs 1 and 4) of these Regulations on Appointments.

If the Secretary General decides to confirm the staff member’s appointment, such appointment shall be extended for one or more periods varying in length between one and five years.

If the Secretary General decides not to confirm the staff member’s appointment, he/she shall terminate it with three months’ notice.

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

5b. Internal candidates
Appointment to an A7 or A6 post shall initially be for a trial period of two years. During this period, staff so appointed shall retain their previous grade but be paid a monthly basic salary which corresponds to the remuneration they would have received if they had been promoted to the grade concerned (A7 or A6).

If the Secretary General decides to confirm the staff member in employment at the end of the trial period, he/she shall be promoted retroactively and re-appointed for three years. At the end of the period of five years, he/she shall be either kept in post, or assigned to another post at the same grade.

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

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

5c. **Scope**

Paragraphs 5a and 5b shall not apply to appointments to elective positions of grades A6 and A7 in the Registry of the European Court of Human Rights and in the Congress of Local and Regional Authorities of the Council of Europe.

6. Appointment of the Secretary to the Committee of Ministers shall not become effective until approved by the latter Committee. The Secretary General may terminate his or her appointment only after consulting that Committee.

7. Deleted.

**Article 26 – Special appointments procedures**

1. The Registrar and the Deputy Registrar of the European Court of Human Rights shall be elected by the Plenary Court; the Secretary General shall make the appointments accordingly.

2. Without prejudice to the other provisions of these regulations, appointment of the staff members listed below shall be subject to observance of the following existing procedures:
   a. Deleted.
   b. The Director of the European Directorate for the Quality of Medicines is appointed by the Secretary General on the advice of the Directorate and of the Commission for the European Pharmacopoeia;
   c. The Secretary General of the Congress of Local and Regional Authorities of the Council of Europe (Congress) shall be elected by the Congress for a renewable term of five years; the Secretary General of the Council of Europe shall make the appointment accordingly. The Secretary

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40 Note: deleted by Resolution CM/Res(2011)9 of 12 October 2011, with effect from 1 January 2012.
41 Article 9 of the Convention on the Elaboration of a European Pharmacopoeia.
General of the Council of Europe shall also appoint a Director of the Congress following consultation with the Bureau of the Congress.  

In relation to the Executive Secretaries of each Chamber, the Secretary General of the Council of Europe shall appoint them after an informal exchange of views with the President of the Chamber concerned, during which he or she shall communicate his or her intentions and the reasons for his or her choice.

d. The Executive Council of the Audiovisual Observatory designates the Executive Director of the Observatory, with a view to his or her appointment by the Secretary General of the Council of Europe.

e. The Executive Director of the Support Fund for the co-production and distribution of creative cinematographic and audiovisual works "Eurimages" shall be appointed for two years by the Secretary General of the Council of Europe, after consultation with the Board of Management of the Fund. The appointment shall be renewable.

f. The Secretary General shall appoint an Internal Auditor. S/he shall be appointed for a period of six years, including a probationary period of two years. His/her appointment, which shall be renewable once only, shall become effective only after approval by the Committee of Ministers. The term of office may be shortened to comply with the age limits laid down in Article 24, paragraph 1, and, if applied by the Secretary General, Article 24bis, paragraph 1, of the Staff Regulations. If the candidate appointed is already a staff member at the moment of his/her appointment and is not confirmed in post at the end of the probationary period, he/she shall be transferred to a post at his/her previous grade level. If the mandate of such a candidate comes to an end, paragraph 3 of this Article shall apply accordingly.

3. Those elected to a post under this Article who were already staff members at the moment of their election, whose mandate comes to an end and who are not re-elected shall be assigned to a post of the same grade, or a post of a lower grade but retain the grade they had reached. However, in the latter case, they shall receive no increments for as long as their remuneration remains higher than the one they would have received if they retained their previous grade.

Article 27 – Appointment to posts in the Private Office of the Secretary General

1. Articles 6 to 21 and Article 25 of these regulations shall not apply to appointments to posts in the Private Office of the Secretary General. Before appointing the Head of the Private Office, the Secretary General shall inform the Committee of Ministers of his or her intentions.

2. A staff member 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. A staff member transferred to a post in the Private Office carrying a higher grade than his or her present one, or an official assigned to a post of a higher grade during his or her work in the Private Office, shall be paid a personal allowance equivalent to the difference between the salary attaching to the post he or she occupies in the Private Office and the salary attaching to his or her grade. He or she may not be promoted until two years after the date of the transfer.

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42 Article 15, paragraphs 2 and 3, of Statutory Resolution CM/Res(2011)2 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, adopted by the Committee of Ministers on 19 January 2011 at the 1103rd meeting of the Ministers’ Deputies.


44 Pursuant to the Rules of Procedure of Eurimages, as amended by the Board of Management of Eurimages at its 128th meeting, on 12 September 2012 and 129th meeting, on 13 December 2012.

45 Article 66 of the Financial Regulations and Supplementary Provisions of the Council of Europe as adopted by the Committee of Ministers at the 1117th meeting at Deputies’ level on 29 June 2011.
Article 28 – Supernumerary transfer

1. Where a staff member is to be transferred and there is no vacant post in his or her own grade, the Secretary General may transfer the staff member as an exception and for a limited time to a post in a lower grade without prejudice to his or her rights and subject to the provisions of Article 5, paragraph 2, of these regulations.

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

3. For A6 and A7 staff members, the Secretary General shall make a supernumerary transfer after an informal exchange of views with the Committee of Ministers, during which he or she shall make known his or her intentions and the reasons for his or her decision.

Article 29 – Exercise of responsibilities attaching to a higher post or position

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

2. In such cases, an extra duties allowance shall be paid to the staff members concerned during the period in question.
APPENDIX III: Regulations on the Table of Posts

Article 1 – Definition of the Table of Posts

1. The Table of Posts shall lay down the total number of posts, the grade attaching to each and their distribution among the directorates general, directorates and divisions which appear in the Secretariat’s organisation chart. It shall be approved annually by the Committee of Ministers when voting the budget.

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

Article 2 – Permanent transfers of posts from one Major Administrative Entity to another, regradings and suppression of posts

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

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

3. The Secretary General may permanently transfer category A posts in grades A1, A2, A3, A4, A5 or L from one Major Administrative Entity to another within the limit of the budgetary appropriations for staff expenditure. The Committee of Ministers shall be informed of such transfers and the posts transferred shall appear with the relevant comments and their new designation in the Table of Posts drawn up in connection with the next budget.

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

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

Article 3 – Secondment of officials to another Major Administrative Entity

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

2. The secondment of grade A7 or A6 officials to another Major Administrative Entity shall require the prior consent of the Committee of Ministers, which shall prescribe the duration thereof.

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

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

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

**Article 4 – Exceptions**

1. Any other measure constituting a departure from the Table of Posts may be taken only with the prior consent of the Committee of Ministers.

2. The continued occupation by a staff member of a post of lower grade than his or her own as a result of his post being down-graded and the transfer of a staff member to a post of lower grade, constitute departures from the Staff Regulations and the Table of Posts and result in overstaffing of grades, in which case Article 28 of the Regulations on Appointments shall apply.

3. Appointment on a personal basis of a staff member to a higher grade than that attaching to his or her post also constitutes a departure from the Staff Regulations and the Table of Posts. Such a measure shall be admissible only in quite exceptional circumstances, and may in any case be only temporary.
APPENDIX IV: Regulations governing staff salaries and allowances

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Article 1 – Scope

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

Article 2 – Basic salary

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

Article 3 – Steps


2 Note: the scales are not reproduced in this edition of the Staff Regulations.


Staff regulations – Appendix IV: Regulations governing staff salaries and allowances
1. Each staff member, confirmed in employment, shall advance up the scale for his or her grade by the steps shown.

2. Such advancement shall be continuous, from one step to the next, starting on the first day of the first quarter.\(^5\)

3. For category A staff, advancement to steps 2 to 5 (grades A7 and A6) and 2 to 7 (grades A5, A4, A3 and A2) shall take place after twenty-four months of service in the step immediately below and advancement to steps 6 (grade A7), 6 to 8 (grade A6) and 8 to 11 (grades A5, A4, A3 and A2) after forty-eight months of service in the step immediately below.

4. For category L staff, advancement to the next step shall take place after thirty-six months of service in the step immediately below.

5. For staff in categories B and C, advancement to steps 2 to 8 shall take place after twenty-four months of service in the step immediately below, and to steps 9 to 11 after forty-eight months’ service.

6. For the advancements under this Article, only those years of service in which the staff member’s appraisal certifies that s/he at least fully satisfied the requirements of his/her post or position shall be taken into account.

**Article 4 – Household allowance\(^7\)**

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

2. The following shall be entitled to the household allowance:
   
   i. married staff;
   
   ii. widowed, divorced, legally separated or unmarried staff who have one or more dependent children as defined in Article 5 or, if applicable, Article 12;
   
   iii. any staff member who does not satisfy the conditions under i and ii above but who has one or more dependants as defined in Article 5, paragraph 2.

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

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

5. Where, in accordance with the above provisions, a husband and wife employed by the Council or by the Council and another Co-ordinated Organisation, are both entitled to the

\(^5\) 1 January, 1 April, 1 July or 1 October

\(^6\) Note: added by Resolution CM/Res(2013)60 of 11 December 2013, with effect from 1 January 2014.

\(^7\) Note: this Article shall apply to staff members recruited until 31 December 2016.
household allowance, the allowance shall be paid only to the person whose basic salary is the higher.

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

**Article 4 bis - Basic family allowance for staff recruited on or after 1 January 2017**

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

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

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

4. In the case of a staff member whose spouse has an overall income, as defined in paragraph 1, equal to or higher than 50% of the basic salary for grade C1, step 1, the amount of the allowance payable shall be reduced. The allowance shall be equal to the difference between 50% of the basic salary for grade C1, step 1, plus the basic monthly amount of the basic family allowance, as defined in paragraph 1 above and the income of the spouse as referred to in paragraph 1. If the spouse's income is equal to or higher than 50% of the basic salary for grade C1, step 1 plus the basic amount of the basic family allowance, no allowance shall be paid.

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

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

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

8. When a staff member is transferred to a different duty station within the Organisation at the initiative of the Organisation, the Secretary General may, in circumstances such as an

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9 As set out in Appendix 2 to the Rules governing the basic family allowance (cf. 238th CCR report) and adjusted annually in accordance with the Rules governing the method for adjusting the allowances/supplements expressed in absolute value as set out in 242nd CCR report (CCR/R(2016)5).
exceptional organisational restructuring or to support the accomplishment of missions critical for the Organisation, reset the period of payment for the family unit.

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

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

Article 5 – Allowance in respect of dependent children or other dependants

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

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

a. child for whom adoption procedure has been initiated;

b. an orphan dependent on the staff member.

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

iv. The allowance shall continue to be payable without any age-limit if the dependent child cannot support himself or herself owing to permanent disablement certified by a doctor approved by the Secretary General.

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

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

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

Note: this Article shall apply to staff members recruited until 31 December 2016.

Note: the conditions for the payment of the dependent child allowance as set out in this Article shall be maintained for staff members serving at 31 December 2016 with respect to children born before 1 January 2032. Dependent child allowance with respect to children born after 31 December 2031 shall only be payable until the end of the academic year during which the child reaches the age of 22 years (see Resolution CM/Res(2016)18 of 18 October 2016).
**Article 5 bis** - Dependent child supplement for staff recruited on or after 1 January 2017\(^\text{12}\)

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

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

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

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

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

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

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

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

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

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

**Article 5 ter** – Supplement for disabled and dependent parent for staff recruited on or after 1 January 2017\(^\text{14}\)

1. Any staff member who can prove that he provides main and continuing support to his disabled and dependent father and/or mother, within the meaning of this Article, shall be eligible

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

\(^{14}\) Note: added by Resolution CM/Res(2016)18 of 18 October 2016, with effect from 1 January 2017.
to only one supplement for disabled and dependent parent\textsuperscript{15}, paid monthly under the following conditions:

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

ii. is medically certified with a disability.

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

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

\textbf{Article 6 – Expatriation or residence allowance}

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

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

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

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

2. The expatriation allowance shall comprise:

i. for all staff in the above three categories a sum equal to 20\% of their basic salaries if they receive the household allowance and to 16\% if they do not;

ii. a fixed monthly allowance, in accordance with the appended scale, in respect of each dependent child as defined in Article 5 above.

\textsuperscript{15}As set out in Appendix 2 to the Rules governing the supplement for disabled and dependent parent (cf. 241st CCR report) and adjusted annually in accordance with the Rules governing the method for adjusting the allowances/supplements expressed in absolute value as set out in 242nd CCR report (CCR/R(2016)5).
The combined total of the sums specified under sub-paragraphs i and ii above shall in no case be less than the total payable under this head to a staff member in grade B3, step 1.

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

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

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

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

**Article 6 bis – Expatriation or residence allowance for staff recruited on or after 1 January 1996**

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

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

2. The expatriation allowance shall comprise:

i. for all staff in the above three categories a sum equal to a percentage of basic salary, calculated as specified in paragraphs 3 and 4 of this Article;

ii. a fixed monthly allowance, in accordance with the appended scale, in respect of each dependent child as defined in Article 5 above.

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

3. i. The rate of the allowance during the first ten years of service shall be:

- 18% of basic salary for staff entitled to the household allowance;
- 14% of basic salary for staff not entitled to the household allowance.

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16 Note: added by Resolution (96) 3 of 8 February 1996, with effect from 1 January 1996. This article does not apply to staff who took up their duties between 1 January 1996 and the date of adoption of this Resolution, pursuant to a contract already concluded. Their situation is governed by Article 6 of these Regulations.
The allowance shall be calculated on the first step in grade of recruitment or promotion irrespective of any increase in the official’s basic salary by movement up the incremental scale and shall be adjusted in the same proportions and at the same date as basic salary.

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

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

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

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

5. Staff in the above categories recruited before 1 January 1998 who cannot claim the expatriation allowance under the provisions of paragraph 1 and who at the time of their appointment were resident at a distance of more than 300 km from their duty station shall be paid an allowance amounting:

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

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

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

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

a. were not nationals of the host state; and

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

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

17 Note: as amended by Resolution (98) 5 of 17 March 1998 with effect from 1 January 1998. Staff who took up their duties between 1 January 1998 and the date of adoption of this Resolution, pursuant to a contract concluded prior to 29 November 1997 shall nevertheless have the benefit of the allowance.

18 Note: added by Resolution CM/Res(2011)25 of 9 November 2011, with effect from 1 January 2012.
d. were recruited from outside the local commuting area of the duty station.

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

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

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

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

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

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

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

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

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

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

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

iii. Under special circumstances and for sound and sufficient reasons, exceptions to the rule in paragraph 4, sub-paragraph i above may be made by the Secretary General.
5. The reduction to zero of the expatriation allowance shall not disqualify the official for entitlement to the education allowance, the expatriated child allowance or home leave.

**Article 7 – Education allowance**¹⁹

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

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

b. in respect of children at post-secondary level of education for studies carried out in the country of which the staff member or the child’s other parent is a national or in the duty country. If duly justified by the staff member, for reasons of continuity in following an educational cycle or if educational costs are lower in a third country, an exception to this rule can be granted by the Secretary General.

2. By way of exception, staff members not qualifying under the terms of paragraph 1 above may request payment for education in the case of transfer or recruitment from another international organisation where they were entitled to the education allowance, and a dependent child must, for imperative educational reasons, continue an educational cycle commenced prior to the date of transfer or recruitment other than for post-secondary level education and which is not part of the national educational system of the host country. Entitlement to the education allowance resulting from the application of this paragraph may not exceed the duration of the educational cycle.²⁰

3. Entitlement to the education allowance shall start on the first day of the month during which the child begins to attend school and not earlier than the age corresponding to the compulsory age of education of the national system followed by the school. It shall finish when the child stops full-time studies, and not later than the end of the month in which the dependent child allowance will no longer be paid.

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

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

a. school or university registration fees;

b. general fees for schooling and education charged by the educational establishment;

Expenses of special courses and activities (including equipment) that are not normally part of the child’s basic course of studies shall not be taken into account;

c. examination fees;

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d. Tuition fees for private lessons on condition that:

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

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

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

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

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

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

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

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

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

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

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

iii) are incurred for imperative educational reasons;

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

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

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

iii) costs are incurred for imperative educational reasons.

7. The costs of board and lodging within the meaning of paragraph 5 f. shall be considered as equal to 1.5 times of the annual dependent child allowance or, for staff members recruited on or
8. Children over 18 years, whose educational establishment is more than 300 km away from the duty station, are entitled to the reimbursement of the cost of one round-trip per year to the duty station or the home leave destination on condition that the amount does not exceed the cost of one round trip between the duty station and the place approved for home leave. In addition children under 18 years, whose educational establishment is more than 300 km away from home, are entitled to reimbursement of 70% of the cost of two further round trips per year on condition that the amount of each trip does not exceed the equivalent percentage of the cost of a round trip between the duty station and the place approved for home leave. In both cases mentioned above, the home leave travel will replace one educational trip in the year when home leave is taken.

9. No reimbursement of educational costs will be made unless admissible costs listed in paragraph 5 are higher than an amount equivalent to the annual expatriated child allowance. In those cases where reimbursement is made, the amount equivalent to the annual expatriated child allowance shall be deducted from the amount paid.

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

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

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

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

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

**Article 8 – Installation allowance**

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

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22 Note: modified by Resolution CM/Res(2014)45 of 26 November 2014, with effect from 1 January 2015. The previous version of Article 8 of the Regulations governing staff salaries and allowances (Appendix IV to the Staff Regulations) shall apply until 31 December 2018 to cases of transfer to a different duty station within the Council of staff members serving at the time of entry into force of Resolution CM/Res(2014)45.
2. Staff members satisfying the conditions laid down in paragraph 1 but who are hired for less than a year and whose appointment or consecutive appointments are extended beyond one year shall also be eligible for the installation allowance.

3. The basic amount of the installation allowance shall equal one month’s basic salary of the staff member concerned, up to a ceiling in accordance with the appended table23. Different ceilings apply depending on whether a staff member is entitled to the expatriation allowance or not.24

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

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

6. A supplement for mobility of 75 % of the basic amount of the installation allowance shall be granted to staff members who settle their actual and habitual residence in a different duty station more than 100 kilometres away as a result of their transfer for at least one year within the Council.

7. The supplement for a change in geographical zone referred to in paragraph 4 and the supplement for mobility referred to in paragraph 6 may not both be granted in respect of the same installation.

8. The allowance shall be payable when the eligible staff member takes up duty or is transferred to a different duty station within the Council.

9. The supplement for dependants referred to in paragraph 5 is calculated and paid upon justification that each individual related to this increase has settled his/her actual and habitual residence with the staff member at the duty station.

10. A staff member who resigns within the year that follows his/her appointment or his/her transfer to a different duty station shall pay back the installation allowance on a pro rata basis for the time remaining to reach twelve months.

11. A staff member shall not pay back the allowance if the Council terminates his/her appointment within the year following his/her appointment or transfer. However, this provision does not apply when the Council terminates the appointment as a result of disciplinary action, in which case the staff member shall reimburse the totality of the allowance.

12. The allowance shall not be paid back to the Council when the staff member is successively reappointed by the Council after the termination of his/her previous appointment.

**Article 9 – Language allowance**25

Deleted.

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

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

Article 10 – Payment of overtime work

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

Article 11 – Rent allowance

Deleted.

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

1. Any official with a dependent child medically certified as suffering from a handicap and necessitating special care, supervision or special education or training, not provided free of charge, may claim application of these provisions, whatever the age of the child.

2. Entitlement to the indemnity and reimbursement of expenses under these regulations shall be by decision of the Secretary General having regard to the nature and degree of the handicap.

3. The Secretary General shall consult a board which he or she shall constitute for the purpose and which shall include at least one independent medical practitioner.

4. The decision shall specify the period of the entitlement, subject to review.

5. The criterion for assessing entitlement to the benefits specified in this regulation shall be the serious and chronic impairment of the physical or mental capacities.

6. Children may be deemed to be handicapped when they suffer from:
   - serious or chronic affection of the central or peripheral nervous system, however caused, such as encephalopathies, myelopathies or peripheral paralysis;
   - serious affection of the locomotor system;
   - serious affection of one or more sensory systems;
   - chronic and disabling mental illness.

7. The above list is not exhaustive but indicative only. It does not constitute the definitive basis for assessing the degree of handicap.

8. A claim for reimbursement under these rules shall be made solely in relation to expenses incurred in order to provide the handicapped child with education or training specially adapted to his or her needs and designed to obtain the highest possible level of functional capability and which are not of the same kind as those taken into account for the purposes of the education allowance.

9. The Secretary General shall assess the reasonableness of the expenses for which reimbursement is claimed.

10. The amount of the indemnity for the handicapped child shall be equal to the amount of the dependent child allowance and shall be additional thereto.

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28 Note: this Article shall apply to staff members recruited until 31 December 2016.
11. Reimbursement of education or training expenses described in paragraphs 8 and 9 above shall be at the rate of 90%.

12. Any official receiving the indemnity for a handicapped child must declare payments of a similar nature received from any other source by himself or herself, his or her spouse, or the handicapped child. Such payments shall be deducted from the indemnity paid under these Regulations.

13. The amount of expenses incurred as defined in paragraph 8 above shall be calculated after deduction of any payment received from any other source for the same purpose.

**Article 12 bis - Supplements for disabled or severely disabled child for staff recruited on or after 1 January 2017**

1. Any staff member with a dependent child of any age medically certified with a disability and necessitating either special care, supervision, special education or training, not provided free of charge, within the meaning of this article may claim, in addition to the dependent child supplement, a monthly supplement for disabled or severely disabled child and reimbursement for education and/or training costs that are related to the disability.

2. Any staff member with a child with a medically-attested disability and requiring permanent care from a third person – or if the staff member’s spouse has given up work to provide the requisite care for the disabled child or has never worked in order to look after the disabled child – shall be eligible for a supplement for severely disabled child.

3. The child shall be considered as dependent on the staff member within the meaning of Article 5 bis above at the time the disability is recognised. In exceptional circumstances justifying the request by a staff member to benefit from the supplement for disabled or severely disabled child, the Secretary General may decide to derogate from this provision.

4. Entitlement to the supplements for disabled or severely disabled child and coverage of costs as set out in the present Article shall be granted by decision of the Secretary General, after assessment of the nature and severity of the disability by the appropriate advisory board.

5. The Secretary General shall obtain the opinion of the board that he has created for this purpose, and which includes at least one medical doctor.

6. The Secretary General’s decision shall establish the duration for which the right will be recognised, and any revision if necessary.

7. Serious and chronic impairment of physical and/or mental faculties shall constitute the criterion for entitlement to benefits under this Article.

8. Children may be considered disabled by the board referred to in paragraph 5 if they suffer from:

   i. serious or chronic affection of the central or peripheral nervous system, however caused: encephalopathy, myelopathy or peripheral paralysis;
   ii. serious affection of the locomotor system;
   iii. serious affection of one or more sensory systems;
   iv. chronic and disabling mental illness.

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30 As set out in Appendix 2 to the Rules governing the supplements for disabled or severely disabled child (cf. 240th CCR report) and adjusted annually in accordance with the Rules governing the method for adjusting the allowances/supplements expressed in absolute value as set out in 242nd CCR report (CCR/R(2016)5).
9. The above list is not exhaustive. It is provided as an indication and shall not constitute the definitive basis for assessing the degree of any disability.

10. Only those expenses incurred with a view to providing the disabled or severely disabled child with access to an education or training programme designed to meet his or her needs in order to obtain the best possible functional capacity, and which are not otherwise covered by the provisions governing the education allowance, shall be eligible for reimbursement.

11. The supplement for severely disabled child shall be double the monthly basic amount of the disabled child supplement.

12. Reimbursement of education and training expenses shall amount to 90% of the expenses defined in paragraph 10.

13. Only one supplement for disabled or severely disabled child shall be granted for each disabled or severely disabled child under the conditions set out in the present Article.

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

15. The amount of expenses covered with respect to reimbursing education and training costs, as defined under paragraph 10 above, is the amount that is remaining after the deduction of any payments that have been received from any other sources and for the same purpose.

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

17. Where two staff members are married to each other or a staff member is married to an official of another Co-ordinated Organisation, within the meaning of the Staff Regulations or the Staff Rules of the other Co-ordinated Organisation, only one supplement for disabled or severely disabled child shall be paid per child.

Article 13 – Extra duties allowance

1. An extra duties allowance shall be paid to staff members who are called upon by the Secretary General, in application of Article 29 of the Regulations on Appointments, to assume the responsibilities attaching to a post carrying a grade immediately higher than their own.

2. The amount of this allowance shall correspond to one twelve-month step in the basic salary scale for the grade of the staff member carrying out the extra duties.

3. The allowance shall be paid from the third consecutive month of service in the higher post, without retroactive effect in respect of the first two months.

Article 14^31

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

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

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

**Article 15 – Limitation period for claims**

1. Claims against the Organisation for payment of salary, indemnities, allowances, benefits or other sums resulting from the application of the Staff Regulations, Rules and Instructions shall lapse two years after the date on which the payment would have been due.

2. The limitation period shall be interrupted by a claim in writing submitted before its expiry.

3. The right of the Organisation to recover a payment made unduly shall lapse two years following that payment.

4. The limitation period laid down in paragraph 3 shall be increased to 10 years if the staff member intentionally provided information which was incorrect or neglected to provide relevant information to the Organisation.

5. Recovery shall be made by deductions from the monthly or other payments due to the person concerned, taking into account his or her social and financial situation.

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CHAPTER I: GENERAL PROVISIONS

Article 1 – Scope

1. The Pension Scheme established by these Rules applies to staff holding indefinite-term or definite or fixed-term appointments in:

- the Council of Europe,
- the European Centre for Medium-Range Weather Forecasts (ECMWF),
- the European Space Agency (ESA) [ex-European Organisation for the Development and Construction of Space Vehicle Launchers (ELDO) and the European Space Research Organisation (ESRO)],
- the North Atlantic Treaty Organisation (NATO),
- the Organisation for Economic Co-operation and Development (OECD),
- the Western European Union (WEU),
- the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT)²,

² Note: as amended by Decision (CM/Del/Dec(2012)1141/11.1), adopted by the Committee of Ministers on 3 May 2012 at the 1141th meeting of the Ministers’ Deputies, with effect from 1 July 2012 following EUMETSAT’s accession to the Co-ordinated system.
who are not affiliated to any other pension scheme set up by one of these Organisations after 1 December 2002.

2. This scheme shall not apply to other categories of personnel defined in each Organisation, such as experts, consultants, temporary staff, auxiliary staff, employees and personnel hired under local labour legislation.

3. In these Rules, the term “Organisation” refers to that Organisation listed in paragraph 1 above which employs the staff members to whom these Rules apply, and the term “staff member” means the staff referred to in paragraph 1 above.

Article 2 – Deferred entitlement

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

Article 3 – Definition of salary

Unless otherwise specified, for the purposes of these Rules, salary shall be the monthly basic salary of the staff member, according to the scales in force in the Organisation at the time when the pension is assessed, and updated in accordance with the provisions of Article 36.

Article 4 – Definition of service conferring entitlement to benefits

1. Subject to the provisions of Articles 5 and 41, paragraph 1, entitlement to benefit under these Rules shall be determined by the total of the periods served in the Organisations listed in Article 1:

   i) as a staff member;

   ii) in any other capacity prior to appointment as a staff member, provided any periods so served were not separated by breaks of more than one year.

2. In addition to the total reckonable years of service thus calculated, a staff member may request, on cessation of work, that periods of service corresponding to certain statutory indemnities be taken into account, in particular payment in lieu of notice, for loss of employment and for leave not taken, under the provisions laid down by Instruction.

3. Periods of part-time service shall be taken into consideration in calculating entitlement to benefit under these Rules provided they correspond to at least half-time work as defined by the provisions laid down by Instruction.

4. The periods referred to in Article 16, paragraph 3 shall also be taken into consideration.

---

4 Unless otherwise specified, the term “provisions laid down by Instruction” refers, throughout these Rules, to the implementation provisions in Article 52 of the Pension Rules.
Article 5 – Calculation of service conferring entitlement to benefits

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

i) pursuant to Article 11;

ii) in respect of his Provident Fund holding, within the limits stated in Article 44, paragraph 2, plus compound interest on such amounts at 4% per annum from the date when the staff member received them until the date when they are paid over in accordance with this paragraph.

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

2. Where a staff member appointed by the Organisation was previously drawing a retirement pension in respect of service with one of the Organisations listed in Article 1, payment of that pension shall cease.

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

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

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

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

5. The crediting of the periods referred to in Article 4, paragraph 1 ii) shall be conditional on:

i) the staff member submitting an application to that effect within six months following his taking up duty as a staff member; the application shall specify the periods of service with which the staff member wishes to be credited;

ii) the Organisation giving its agreement;

iii) the staff member paying, for each month of service with which he is to be credited, the contribution provided for in Article 41, calculated on the basis of his first monthly salary as a staff member.

Article 6 – Reckonable years of service

1. The benefits provided for under these Rules shall be calculated by reference to reckonable years of service consisting of:
i) service calculated in accordance with the provisions of Articles 4 and 5;

ii) service credited in accordance with Article 12, paragraph 1.

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

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

3. In the case of part-time work:

i) reckonable years of service shall be calculated in accordance with the ratio between the working hours corresponding to part-time service and the official number of hours for full-time work in the Organisation;

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

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

1. Where at the time of termination of his service an official was working part-time, the salary taken into account in calculating his pension entitlement shall be that payable for full-time work at his grade and step as provided in these Rules.

2. However, when an official terminating his service in the circumstances described in paragraph 1 above had been recruited to serve on a part-time basis, or authorised to work part-time for an indefinite period or for a fixed term renewable by tacit agreement and if the provisions of Article 6, paragraph 3 ii) are not applied, the rate of the invalidity pension provided for in Article 14, paragraph 2, and the minimum and maximum amounts that apply, shall be set in accordance with the provisions laid down by Instruction.

CHAPTER II: RETIREMENT PENSION AND LEAVING ALLOWANCE

SECTION 1: RETIREMENT PENSION

Article 7 – Conditions of entitlement

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

Article 8 – Age of entitlement, deferred or early pension

1. A staff member shall become eligible for a retirement pension at the age of 60.

5 Note: as amended by Decision (CM/Del/Dec(2009)1045/11.2E), adopted by the Committee of Ministers on 14 January 2009 at the 1045th meeting of the Ministers’ Deputies, with effect from 1 January 2009.

6 Where at the time of termination of his service an official was working part-time, the salary taken into account in calculating his pension entitlement shall be that payable for full-time work at his grade and step as provided in these Rules.

7 Note: as amended by Decision (CM/Del/Dec(2009)1045/11.2E), adopted by the Committee of Ministers on 14 January 2009 at the 1045th meeting of the Ministers’ Deputies, with effect from 1 January 2009.
2. Pension rights shall continue to accrue to a staff member continuing to be employed after pensionable age, but his pension shall not exceed the maximum amount laid down in Article 10, paragraph 2.

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

4. However, a staff member who retires before pensionable age may request early payment of his pension provided he is at least 50 years old.

In such a case, the amount of the retirement pension shall be reduced by reference to the age of the staff member when payment of his pension begins, as shown in the table below.8

<table>
<thead>
<tr>
<th>Age at which payment of pension begins</th>
<th>Early retirement pension as a percentage of pension at 60</th>
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<tbody>
<tr>
<td>50</td>
<td>0.60</td>
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<td>51</td>
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<td>59</td>
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</table>

**Article 9 – Commencement and cessation of entitlement**

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

2. Entitlement shall cease at the end of the month in which the pensioner dies.

**Article 10 – Rate of pension**

1. The amount of the retirement pension shall be, per reckonable year of service within the meaning of Article 6, 2% of the salary corresponding to the last grade held by the staff member for not less than one year before cessation of his appointment and the last step held in that grade.

2. The maximum rate of the pension shall be 70% of this salary, subject to the provisions of paragraph 3 below.

3. The amount of the retirement pension shall not be less than 4% of the salary for grade C1, step 1, per reckonable year of service credited pursuant to Article 6; it may not, however, exceed the staff member’s last salary as defined in Article 3.

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8 Note: as amended by Decision (CM/Del/Dec(2011)1106/11.2E), adopted by the Committee of Ministers on 16 February 2011 at the 1106th meeting of the Ministers’ Deputies, with effect from 16 February 2011.
SECTION 2: LEAVING ALLOWANCE

Article 11 – Leaving allowance

1. A staff member whose service terminates otherwise than by reason of death or invalidity and who is not entitled to a retirement pension nor to the benefit of the provisions of Article 12, paragraph 2, shall be entitled on leaving to payment of:

   i) the aggregate amount deducted from his salary in respect of his pension contribution, together with compound interest at the rate of 4% per annum;

   ii) an allowance equal to one month and a half of his last salary multiplied by the number of reckonable years of service credited within the meaning of Article 69;

   iii) one-third of the amounts paid to the Organisation under the provisions of Article 12.1, together with compound interest at the rate of 4% per annum. Should, however, the whole of these amounts have to be refunded to his previous employer, the reckonable years of service corresponding to those amounts shall be disregarded in the calculation of the leaving allowance.

2. Termination of service shall be defined by each Organisation.

SECTION 3: INWARD AND OUTWARD TRANSFER OF PENSION RIGHTS

Article 12 – Inward and outward transfer of pension rights

1. A staff member who enters the service of the Organisation after leaving the service of a government administration or national organisation, or international organisation not listed in Article 1, paragraph 1, or a firm, may arrange for payment to the Organisation in accordance with the provisions laid down by Instruction, of any amounts corresponding to the retirement pension rights accrued under the pension scheme to which he was previously affiliated in so far as that scheme allows such a transfer.

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

2. A staff member who leaves the service of the Organisation to enter the service of a government administration or national organisation, or international organisation, not listed in Article 1, paragraph 1, which has entered into an agreement with the Organisation, shall be entitled to transfer to the pension fund of that administration or organisation:

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

3. If, as a result of a staff member’s transfer from one Organisation listed in Article 1 to another, the leaving allowance is paid by an Organisation other than that which received the amounts referred to in paragraph 1 above, Article 11, paragraph 1 iii) shall apply as if the Organisation responsible for paying the leaving allowance had received the amounts referred to.

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9 Refer to Article 33, paragraph 7.
CHAPTER III: INVALIDITY PENSION

Article 13 – Conditions of entitlement – Invalidity Board

1. Subject to the provisions of Article 2, an invalidity pension shall be payable to a staff member who is under the age limit laid down in the Staff Regulations and who, at any time during the period in which pension rights are accruing to him, is recognised by the Invalidity Board defined below to be suffering from permanent invalidity which totally prevents him from performing his job or any duties corresponding to his experience and qualifications which may have been proposed to him by the Organisation.

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

Article 14 – Rate of pension

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

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

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

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

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

Article 15 – Earnings rule

1. Where a person in receipt of an invalidity pension is nevertheless gainfully employed, this pension shall be reduced by the amount by which his pension together with the remuneration he receives for the said employment exceeds the salary for the highest step in the grade he held at the time of his recognition as unfit for service.

2. This reduction shall apply only up to the age limit laid down in the Staff Regulations.

Article 16 – Medical examination – termination of pension

1. While a person drawing an invalidity pension is still under the age limit laid down in the Staff Regulations, the Organisation may have him medically examined periodically to ascertain that he still satisfies the conditions for entitlement to such pension, in particular having regard to any new duties corresponding to his experience and qualifications which may have been proposed to him by the Organisation.
2. When a person drawing an invalidity pension who has not reached the said age limit ceases to satisfy the conditions for entitlement to the invalidity pension, the Organisation shall terminate that pension.

3. The time during which the person concerned has drawn his invalidity pension shall then be reckoned, without payment of back contributions, for the calculation of the leaving allowance or retirement pension, as the case may be.

**Article 17 – Commencement and cessation of entitlement**

1. Entitlement to an invalidity pension shall commence on the first day of the month following the date of the beginning of the invalidity as recognised by the Invalidity Board.

2. Subject to application of Article 16, paragraph 2:
   
i) the invalidity pension payable under Article 14, paragraph 2, shall be paid for life;
   
ii) in other cases, entitlement to an invalidity pension shall terminate:
       
   o either at the age limit laid down in the Staff Regulations;
   
   o or at the end of the month in which the recipient of such a pension dies.

Where the invalidity pension terminates because the person concerned has reached the age limit laid down in the Staff Regulations, he shall, notwithstanding the ten-year minimum requirement provided for in Article 7, be entitled to a retirement pension calculated as follows:

- reckonable years of service shall be calculated as if he had remained in service until the age limit laid down in the Staff Regulations;

- the reference salary shall be that of his grade and step at the time of his being recognised an invalid, updated in accordance with Article 36.

3. Invalidity pensions assessed before the 1 December 2002, whatever the cause of the invalidity, shall be paid for life.

**CHAPTER IV: SURVIVOR’S AND REVERSION PENSIONS**

**Article 18 – Conditions of entitlement**

1. The surviving spouse of a staff member who died in service shall be entitled to a survivor’s pension, provided they had been married to each other for at least one year at the time of the staff member’s death, unless the death resulted either from disablement or illness contracted in the performance of his duties, or from an accident.

2. A reversion pension shall be payable to the surviving spouse:
   
i) of a former staff member drawing an invalidity pension, if they were married to each other for at least one year at the time of his being recognised an invalid; this condition of anteriority

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12 Wherever it occurs in these Rules, the expression “surviving spouse” applies indifferently to the wife or husband of the deceased staff member.
shall not apply if the marriage had existed for at least five years at the time of the former staff member’s death, or if the death resulted either from disablement or illness contracted in the performance of his duties, or from an accident;

ii) of a former staff member drawing a retirement pension, if they had been married to each other for at least one year at the time when the former staff member’s appointment ceased; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of the former staff member’s death; or

iii) of a former staff member entitled to a deferred pension, if they had been married to each other for at least one year at the time when the former staff member’s appointment ceased; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of his death.

3. The above-prescribed conditions of anteriority or minimum duration of marriage shall not apply where there are one or more children of the marriage or of a marriage of the staff member contracted prior to the cessation of his appointment, inasmuch as the non-remarried surviving spouse is providing for their needs; in such case, the survivor’s or reversion pension shall be payable under the derogation provided for in the present paragraph, for so long as the children are actually being so provided for.

When they are no longer being so provided for, the survivor’s or reversion pension shall nonetheless continue to be payable for so long as the surviving spouse does not have an income of his own from the exercise of any occupation, or from any retirement pension or other survivor’s or reversion pension, equal to at least the amount of the survivor’s or reversion pension from the Organisation.

4. Entitlement to a survivor’s or reversion pension shall be subject to the provisions of Article 2.
Article 19 – Rate of pension

1. The survivor’s or reversion pensions shall be 60% of:

   i) the retirement pension that would have been payable to the staff member, had he not died in service, on the basis of his reckonable service credited up to the time of his death, without the need for a minimum of ten years’ service under the provisions of Article 7;

   ii) the deferred retirement pension that would have been paid to the former staff member at the age of sixty;

   iii) the invalidity pension, updated in accordance with the provisions of Article 36, that was actually being paid to the staff member at the time of his death, no account being taken of reductions under Article 15;

   iv) the retirement pension, updated in accordance with the provisions of Article 36, that was actually being paid to the staff member at the time of his death, no account being taken of any reductions under Article 8, paragraph 4.

2. Where a staff member has died as a result of an accident in the course of the performance of his duties, from an occupational disease, from a public-spirited act or from risking his life to save another human being, the survivor’s pension shall be 60 per cent of the invalidity pension to which the staff member would have been entitled under Article 14, paragraph 2 had he survived.

3. The survivor's or reversion pension shall not be less than 35% of the staff member's last salary; nor shall it be less than the salary for Grade C1, step 1. Said pensions shall be updated in accordance with the provisions of Article 36.

4. However, the reversion pension shall not exceed the amount of the former staff member’s own pension in the cases covered by paragraph 1 ii), iii) and iv) above, nor the amount of the pension to which the former staff member would have been entitled had he reached the age limit laid down in the Staff Regulations at the time of his death.14

Article 20 – Reduction for difference in age

Where the difference in age between the deceased staff member or former staff member and his younger surviving spouse and/or former spouse, less the length of time they have been married, is more than ten years, the survivor’s or reversion pension, calculated in accordance with the preceding provisions, shall be subject to a reduction, per year of difference, amounting to:

- 1% for the years between 10 and 20;
- 2% for the years 20 up to but not including 25;
- 3% for the years 25 up to but not including 30;
- 4% for the years 30 up to but not including 35;
- 5% for the years from 35 upwards.

Article 21 – Remarriage

1. Entitlement to a survivor’s or reversion pension shall cease on remarriage. The surviving spouse or ex-spouse shall be entitled to immediate payment of a capital sum equal to twice the

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14 Note: as amended by Decision (CM/Del/Dec(2007)985/11.3), adopted by the Committee of Ministers on 31 January 2007 at the 985th meeting of the Ministers’ Deputies, with effect from 1 January 2007.
annual amount of the pension, if there are no dependent children to whom the provisions of Article 25, paragraph 4 apply.

2. The capital sum paid to the ex-spouse shall not be more than the amount to which he could still be entitled under Article 22, paragraph 1.

Article 22 – Rights of a former spouse

1. The non-remarried former spouse of a staff member or former staff member shall, on the latter’s death, be entitled to a survivor’s or reversion pension, provided that and for as long as the staff member or former staff member was, at the time of his death and by virtue of a court decision which has become final and binding, under an obligation to pay maintenance or compensation to the former spouse in a personal capacity; but the survivor’s or reversion pension shall not exceed the amount of such payment.

This entitlement shall not arise if the former spouse remarried before the staff member or former staff member died. If remarriage takes place after the staff member’s or former staff member’s death and while the conditions laid down in the sub-paragraph above are still fulfilled, the provisions of Article 21 shall apply.

2. Where a staff member or former staff member dies leaving both a spouse entitled to a survivor’s or reversion pension and a non-remarried former spouse fulfilling the conditions laid down in paragraph 1 above, the whole of the survivor’s or reversion pension shall be divided between the before-mentioned persons in proportion to the duration of their marriages.

The amount to which a non-remarried former spouse is entitled shall however not be more than the amount of the maintenance or compensation payable at the time of the death of the staff member or former staff member.

3. Where one of the persons entitled to a survivor’s or reversion pension renounces his share, ceases to satisfy the conditions for entitlement or forfeits his rights under Article 35 or where the amount of his pension has been restricted under the terms of the second sub-paragraph of paragraph 2 above, his share shall accrue to the share of the other person, except where pension rights revert to orphans, as provided under the last sub-paragraph of Article 25, paragraph 3. In such a case, the restriction laid down in the second sub-paragraph of paragraph 2 above shall apply.

4. Reductions in respect of difference in age as provided for in Article 20 shall be applied separately to survivors’ and reversion pensions calculated in accordance with the present Article.

Article 23 – Commencement and cessation of entitlement

1. Entitlement to a survivor’s or reversion pension shall commence from the first day of the month following that in which the staff member or former staff member died. If the salary of a staff member who died in service continues to be paid to a surviving spouse or former spouse, directly and in full, under the Staff Regulations and Rules of the Organisation, payment of the pension shall be deferred accordingly.

2. Entitlement to a survivor’s or reversion pension shall cease at the end of the month in which the recipient of the pension dies or ceases to satisfy the conditions for entitlement to that pension.

**Article 24 – Incapacitated widower**

Deleted.

**CHAPTER V: ORPHAN’S OR DEPENDANT’S PENSION**

**Article 25 – Rate of orphan’s pension**

1. Where a staff member or former staff member drawing a retirement or invalidity pension or entitled to a deferred pension dies, his children shall be entitled to an orphan’s pension if they fulfil the conditions laid down in paragraph 2.

2. The legitimate, natural or adopted children of a staff member or former staff member who has died shall be entitled to an orphan’s pension:

   i) when the deceased or his household provided their main and continuing support at the time of death; and

   ii) when they satisfy the conditions of age, education or handicap required for the granting of the allowance for a dependent child.

The legitimate or natural children of a deceased staff member or former staff member who were born not more than 300 days after his death shall also be entitled to an orphan’s pension.

3. Where there are one or more persons entitled to a survivor’s or reversion pension, the amount of the orphan’s pension shall correspond to the higher of the following amounts:

   i) 40% of the survivor’s or reversion pension, no account being taken of reductions pursuant to Article 20; or

   ii) 50% of the salary for grade C1, step 1, according to the scale in force when the former staff member’s pension was assessed, this amount being updated in accordance with the provisions of Article 36, or, if he was not drawing a retirement or invalidity pension, according to the scale in force at the time of death.

The orphan’s pension shall be increased, in respect of the second and every further beneficiary, by an amount equal to the allowance for a dependent child.

The orphan’s pension shall be brought up to the level provided for in paragraph 4 in the event of the beneficiaries of a survivor’s or reversion pension dying or remarrying or losing the right to that pension.\(^{17}\)

4. Where there are no beneficiaries of a survivor’s or reversion pension, the orphan’s pension shall correspond to the higher of the following amounts:

   i) 80% of the survivor’s or reversion pension, no account being taken of reductions pursuant to Article 20; or

   ii) 100% of the salary for grade C1, step 1, according to the scale in force when the former staff member’s pension was assessed, this amount being updated in accordance with the

\(^{17}\) Note: as corrected by Decision (CM/Dec/Dec(2007)998/11.3b), adopted by the Committee of Ministers on 13 June 2007 at the 998th meeting of the Ministers’ Deputies.
provisions of Article 36, or, if he was not drawing a retirement or invalidity pension, according to the scale in force at the time of death.

The orphan’s pension shall be increased, in respect of the second and every further beneficiary, by an amount equal to twice the allowance for a dependent child.

5. The total amount of the orphan’s pension shall be divided equally among all the orphans.

**Article 25 bis – Rate of pension for other dependants**

1. Where a staff member or former staff member drawing a retirement or invalidity pension or entitled to a deferred pension dies, the persons (including children not fulfilling the conditions laid down in Article 25) recognised as satisfying the conditions for the granting of the allowance for a dependent child or dependent person under the Staff Regulations and Rules of the Organisation shall be entitled to a dependant’s pension.

2. The pension paid to each dependant shall be equal to the lowest of the following amounts:

   i) the amount, as recognised by the Organisation, of the support provided to that person by the staff member or former staff member at the time of his death;

   ii) twice the amount of the dependant’s allowance in force in the Organisation when the former staff member’s pension was assessed, this amount being updated in accordance with the provisions of Article 36, or, if he was not receiving a retirement or invalidity pension, according to the scale in force at the time of death; or

   iii) where an orphan’s pension is paid, the amount of each orphan’s share pursuant to Article 25, paragraph 5.

**Article 26 – Commencement and cessation of entitlement**

1. The pensions provided for under Articles 25 and 25 bis shall be payable as from the first day of the month following that in which the staff member or former staff member died. If the salary of a staff member who died in service continues to be paid to a surviving spouse or former spouse, directly and in full, under the Staff Regulations and Rules of the Organisation, payment of the pensions shall be deferred accordingly.

2. The pensions under Articles 25 and 25 bis shall cease to be payable at the end of the month in which the child or other dependant ceases to satisfy the conditions for entitlement to the allowance for a dependent child or dependent person under the Staff Rules and Regulations of the Organisation.

**Article 27 – Beneficiaries of more than one category**

1. Where a staff member or former staff member leaves a spouse or former spouse, on the one hand, and children or dependent persons, on the other, with entitlement to a pension, the total pension, calculated as if for a surviving spouse having all these persons dependent on him, shall be apportioned among the various categories of beneficiaries in proportion to the pensions which would have been payable to each category if treated separately.

2. Where there are children or dependent persons from different family groups, with entitlement to a pension, the total pension, calculated as though all were from the same family

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group, shall be apportioned among the various categories of beneficiaries in proportion to the pensions which would have been payable to each category if treated separately.

CHAPTER VI: FAMILY ALLOWANCES

Article 28 – General provisions

1. Household allowance, children’s and dependants’ allowance, handicapped child allowance and education allowance, paid to the staff members of the Organisation as family allowances, are granted according to the modalities and conditions of entitlement provided for under the Staff Regulations and Rules and under the present Rules:

i) to the recipient of a retirement pension as from the age of 60;

ii) to the recipient of an invalidity pension;

iii) to the recipient of a survivor’s or reversion pension, in respect of the sole beneficiaries who were or would have been recognised as depending on the staff member or the former staff member if he had not died.

2. The double entitlement regulations apply to any allowance of a same nature, regardless of its name.

3.a. The household allowance shall be calculated by reference to the pension of the recipient.

b. Where the recipient of a survivor’s or reversion pension is a staff member of one of the Organisations listed in Article 1 or is in receipt of a pension assessed by any of these organisations, only one household allowance shall be granted.

c. Where the spouse of a person entitled to a pension referred to in paragraph 1 is a staff member of one of the Organisations listed in Article 1 or is in receipt of a pension assessed by any of these organisations, the household allowance shall only be paid to one of the spouses.

d. Where the spouse of the recipient of a pension referred to in paragraph 1 is entitled, under another scheme, to an allowance of a same nature than the household allowance, only the difference between the amount of the allowance under the present scheme and that of the allowance received by the spouse under the other scheme shall be paid to the recipient of the pension.

4. Where the recipient of a pension referred to in paragraph 1, or his household or the beneficiary concerned, is entitled to allowances referred to in paragraph 1 and also, under another scheme and for the same person, to a children's or dependants' allowance, or a handicapped child allowance of a same nature than those referred to in paragraph 1, the Organisation shall only pay the difference between the amount of the allowances granted under the present scheme and that of the allowances received under the other scheme.

5. The deduction of family allowances received under another scheme, referred to in Article 28, paragraphs 3 and 4, shall be automatic, save where the recipient produces evidence that the above-mentioned scheme makes a deduction of the amounts received under the present scheme.

6. The amount of the allowance for a child or other dependant payable to the recipient of a survivor’s or reversion pension shall be twice the normal amount.

Entitlement to the allowances provided for in this Article shall cease at the end of the month in which the conditions for entitlement to those allowances under the Staff Rules and Regulations of the Organisation are no longer satisfied.

CHAPTER VII: CEILING ON BENEFITS

Article 29 – Ceiling on benefits

1. Where a staff member dies, the total amount payable in respect of survivor’s, orphan’s and dependant’s pensions and of family allowances shall not exceed the maximum of the retirement pension referred to in Article 10, paragraphs 2 and 3, together with the family allowances to which the deceased staff member was entitled. In any event, this total shall not exceed the last salary received by the staff member together with the family allowances to which he was entitled.

2. Where a former staff member drawing a retirement pension dies, the total amount payable in respect of reversion, orphan’s and dependant’s pensions and of family allowances shall not exceed the amount of the pension and family allowances received by the former staff member.

3. Where a former staff member entitled to a deferred or invalidity pension dies, the total amount payable in respect of reversion, orphan’s and dependant’s pension and of family allowances shall not exceed the amount of the retirement pension and family allowances he would have received if he had reached the statutory age limit at the time of his death.

4. The amounts payable in respect of survivor’s, reversion, orphan’s and dependant’s pensions shall, where applicable, be reduced in proportion to the share of each beneficiary.

CHAPTER VIII: PROVISIONAL PENSIONS

Article 30 – Conditions of entitlement

1. Where a staff member or former staff member entitled to a retirement or invalidity pension has been missing for more than one year in circumstances justifying a presumption of death, the persons entitled under him may provisionally be awarded a survivor’s, reversion, orphan’s or dependant’s pension, as appropriate.

2. The provisions of paragraph 1 above shall apply mutatis mutandis to persons recognised as dependants of a person in receipt of a survivor’s or reversion pension, who has been missing for more than one year.

3. Provisional pensions under paragraphs 1 and 2 above shall be converted into definitive pensions when the death of the staff member, former staff member, spouse or former spouse has been established officially or when that person has been declared missing by a final Court decision.

CHAPTER IX: DETERMINATION OF THE AMOUNTS OF BENEFITS

SECTION 1: ASSESSMENT OF ENTITLEMENT

Article 31 – Organisation responsible for the assessment

1. The assessment of entitlement to the benefits payable under these Rules shall be made by the Organisation, with the assistance of the International Service for Remunerations and Pensions21, also responsible for such part of the work as can be centralised.

2. A detailed statement of the assessment shall be communicated to the staff member or the persons entitled under him after approval by the Organisation on the advice of the Pensions Administrative Committee of the Co-ordinated Organisations (CAPOC) referred to in Article 51.

3. Until this approval has been given, pensions shall be paid on a provisional basis.

21 Note: before 1 January 2012: the Joint Pensions Administrative Section (JPAS).
**Article 32 – No double entitlement**

1. Without prejudice to the application of Articles 4 and 5, the following may not be paid concurrently out of the budgets of one or more of the Organisations listed in Article 1:
   i) a retirement and an invalidity pension as provided for in these Rules or under the Rules of the New Pension Scheme or of the Defined Benefit Funded Pension Scheme;
   ii) a retirement or invalidity pension and a loss-of-employment indemnity not paid as a lump sum.
   iii) two retirement pensions.

2. Recipients of a retirement or invalidity pension under the present Rules may not be granted the status of staff member in the meaning of Article 1. The modalities for double entitlement to a retirement pension and any other remuneration paid by a Co-ordinated Organisation shall be defined by each Organisation.

3. Where they are due to the same cause, there can be no double entitlement to benefits under the present Rules and annuities under a scheme distinct from the Pension Scheme and financed by an Organisation listed in Article 1.

**Article 33 – Basis of calculation**

1. Pensions provided for in the Rules shall be calculated by reference to the salary defined in Article 3 and to the scales applicable to the country of the staff member's last posting.

2. However, if the former staff member settles subsequently:
   i) in a Member country of one of the Co-ordinated Organisations of which he is a national, or
   ii) in a Member country of one of the Co-ordinated Organisations of which his spouse is a national; or
   iii) in a country where he has served at least five years in one of the Organisations listed in Article 1,
   he may opt for the scale applicable to that country.

   The option shall apply to only one of the countries referred to in this paragraph, and shall be irrevocable except where paragraph 3 below is applicable.

3. On the death of his spouse, a former staff member who settles in the country of which he is a national, or of which such deceased spouse was a national, may opt for the scale applicable in that country.

   The same option shall be open to the surviving spouse or former spouse of a former staff member and to orphans who have lost both parents.

4. These options, available under paragraphs 2 and 3, shall be irrevocable.

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23 Except for long term consultants of the ECMWF.
24 Except for long term consultants of the ECMWF.
5. If the staff member, spouse, former spouse or orphan opts for the scale of a country referred to in paragraph 2, but there is no scale approved by the Organisation for that country, the scale applicable to the country in which the Organisation responsible for paying his pension has its headquarters shall be applied temporarily until a scale had been adopted for the country chosen.

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

7. The provisions of paragraph 2 above do not apply to the benefits under Article 11. However, a staff member who settles in a country of which he is a national may have the leaving allowance provided for in Article 11 ii) calculated in accordance with the scale for that country, provided such a scale has been approved by the Organisation at the time of his departure.

**Article 34 – Re-assessment – cancellation**

1. Benefits may be re-assessed at any time in the event of error or omission of any kind. Any undue payments must be reimbursed; they may be deducted from the benefits payable to the person concerned or to the persons entitled under him or from the amounts due to his estate. The reimbursement may be spread over a period.

2. Benefits shall be subject to modification or cancellation if their award was contrary to the provisions of these Rules.

**Article 35 – Requirement of evidence – forfeiture of rights**

1. Persons who are eligible for benefits under these Rules shall inform the Organisation or the International Service for Remunerations and Pensions of any facts which may affect their entitlement to benefits and to furnish such supporting evidence as may be required of them.

   Should they fail to comply with these obligations, they may be deprived of the right to benefits under this Scheme; save in exceptional circumstances, they shall refund any sums received to which they were not entitled.

2. Where the surviving spouse, orphans or other dependants of a deceased staff member or former staff member fail to apply for their pension within twelve months from the date of his death, payment of the benefits under these Rules may, at the discretion of the Organisation, be deferred until the first day of the month following that in which they make their application.

3. Where a staff member’s or former staff member’s former spouse referred to in Article 22 fails to apply for a pension within twelve months from the date of his death, the former spouse’s rights may, at the discretion of the Organisation, be wholly forfeited.

**SECTION 2: ADJUSTMENT OF BENEFITS**

**Article 36 – Adjustment of benefits**

1. Pensions shall be adjusted annually in accordance with the revaluation coefficients based on the consumer price index for the country of the scale used to calculate each pension.

   Pensions shall also be adjusted in the course of the year, for any given country, when prices in that country show an increase of at least 6%.

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26 Note: before 1 January 2012: the Joint Pensions Administrative Section (JPAS).
2. At regular intervals, the Secretary General shall establish a comparison of the difference between increases in salary and increases in pensions, and may, where appropriate, propose to the Committee of Ministers measures to reduce it.

3. When the beneficiary of a pension dies, any reversion, orphan’s and/or dependant’s pensions that may be due shall be calculated as follows:

i) The pension(s) shall be calculated:

- with reference to the scale in force on 31 December 2019 if the deceased pensioner’s entitlement was assessed prior to 1 January 2020;
- with reference to the scale in force at the date on which the deceased former staff member’s pension was assessed if such entitlement was assessed from 1 January 2020.

ii) Said scale shall be updated, as from that date, by application of the pensions revaluation coefficients for the country in question.

4. If the beneficiary of an invalidity pension, which was not awarded under Article 14, paragraph 2, reaches the age limit laid down in the Staff Rules and Regulations, his invalidity pension shall be converted, in accordance with Article 17, paragraph 2, to a retirement pension calculated using the following method:

i) The pension shall be calculated:

- with reference to the scale in force on 31 December 2019 if the invalidity pension was assessed prior to 1 January 2020;
- with reference to the scale in force at the date on which the invalidity pension was assessed if such pension was assessed from 1 January 2020.

ii) Said scale shall be updated, as from that date, by application of the pensions revaluation coefficients for the country in question.

5. If the beneficiary of a pension exercises one of the options under Article 33, the following calculation shall be made:

i) The pension shall be recalculated:

- with reference to the scale in force on 31 December 2019 for the country selected if the pension was assessed prior to 1 January 2020;
- with reference to the scale in force at the date of its assessment for the country selected if the pension was assessed from 1 January 2020.

ii) Said scale shall be updated, as from that date, by application of the pensions revaluation coefficients for the country in question.

SECTION 3: PAYMENT OF BENEFITS

Article 37 – Mode of payment

1. Subject to the provisions of Article 11 and unless otherwise provided under these Rules, pensions, family allowances and provisions for tax adjustments shall be paid monthly in arrears.
2. These amounts shall be paid by the Organisation or by the International Service for Remunerations and Pensions\textsuperscript{28} if it has been empowered to do so.

3. Benefits shall be paid in the currency used in their calculation in accordance with Article 33.

4. Benefits shall be paid to the recipient by bank transfer to an account either in the country of the scale used to calculate these benefits, or in the country where the recipient resides.

\textbf{Article 38 – Sums owed to the Organisation}

Any sum owed by a staff member, former staff member or pensioner to any of the Organisations listed in Article 1 at the date when the benefits are payable under these Rules shall be deducted from the amount of these benefits or from the benefits payable to those entitled under him. The deduction may be spread over a period.

\textsuperscript{28} Note: before 1 January 2012: the Joint Pensions Administrative Section (JPAS).
Article 39 – Right of subrogation

1. Where a staff member’s invalidity or death is attributable to a third party, the award of the benefits provided for in these Rules shall in principle be made subject to the beneficiary assigning to the Organisation his claims against such third party, up to the amount of such benefits.

2. However, the Organisation may waive its right to take action pursuant to such subrogation against the third party concerned where special circumstances justify such a waiver.

CHAPTER X: FINANCING THE PENSION SCHEME

Article 40 – Charge on budgets

1. Benefits paid under this Pension Scheme shall be charged to the budgets of the Organisation responsible for the assessment of these benefits pursuant to Article 31.

2. The Member States of the Organisation jointly guarantee the payment of the benefits.

3. In the event of a merger, reconstitution or other transformation or in the event of dissolution of the Organisation, the Council or any ad hoc body set up, where required in one of the aforementioned cases, shall take the necessary measures to ensure uninterrupted payment of the Pension Scheme benefits until the cessation of entitlement of the last beneficiary.

4. Should a country, being a Member or ex-Member of the Organisation, fail to comply with its obligations under this Article, the other countries shall meet the cost thereof in proportion to their contribution to the budget of the Organisation as fixed annually from and after the said country’s default.

Article 41 – Staff members’ contribution – costing the scheme

1. Staff members shall contribute to the Pension Scheme.

2. The staff members’ contribution to the Pension Scheme shall be calculated as a percentage of their salary and shall be deducted monthly.

3. The rate of the staff contribution shall be set so as to represent the cost, in the long term, of one-third of the benefits provided under these Rules.

4. The rate of the staff contribution shall be 11.8%.

5. An actuarial study shall be carried out every five years for all the Organisations, using the method described in Annex. In accordance with the results of that study, the staff contribution rate

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29 Note: as amended by Resolution Res(94)17 of 23 June 1994 with effect from 1 June 1994. See also Appendix to Article 41 – Actuarial studies, adopted by the Committee of Ministers on the same occasion.

shall automatically be adjusted, with effect from the fifth anniversary of the preceding adjustment, the rate being rounded to the nearest first decimal.

However, in the event of exceptional circumstances, the Co-ordinating Committee on Remuneration could recommend that the date of that study, and of any adjustment of the contribution rate resulting therefrom, be advanced.

In such a case, the normal five-year interval between two studies and any adjustment of contributions resulting therefrom shall begin as from the date of that supplementary study except for a new application of the provisions of the preceding sub-paragraph.

6. Contributions properly deducted shall not be recoverable. Contributions improperly deducted shall confer no right to pension benefits; they shall be refunded at the request of the staff member concerned or those entitled under him without interest.

CHAPTER XI: PROVISIONS RELATING TO ADJUSTMENT OF PENSIONS

Article 42 – Pensions which are subject to National Tax legislation

1. The recipient of a pension under these Rules shall be entitled to the adjustment applying to the Member Country of the Organisation in which the pension and adjustment relating thereto are chargeable to income tax under the tax legislation in force in that country.

2. The adjustment shall equal 50% of the amount by which the recipient’s pension would theoretically need to be increased, were the balance remaining after deduction of the amount of national income tax or taxes on the total to correspond to the amount of the pension calculated in accordance with these Rules.

For such purpose, there shall be drawn up, for each Member country, in accordance with the Implementing Instructions referred to in paragraph 6, tables of equivalence specifying, for each amount of pension, the amount of the adjustment to be added thereto. The said tables shall determine the rights of the recipients.

3. In calculating the theoretical amount of income tax or taxes referred to in paragraph 2 of this Article, account shall be taken only of the provisions of tax legislation and regulations affecting the basis of liability and the amount of income tax or taxes for all pensioner-taxpayers in the country concerned.

Pensioners without spouse or dependants shall be deemed to be in the position of a pensioner without entitlement to any tax reliefs or allowances for family responsibilities, all other recipients being deemed to be pensioners enjoying the tax reliefs and allowances of a person who is married without children.

No account shall be taken:

- of individual factors related to the personal circumstances or private means of a particular pensioner,
- of income other than that arising under these Rules,
- of the income of the spouse or dependents of the pensioner.

Note: the implementing Instructions of Article 42, also adopted by Resolution Res(77)11 of 20 April 1977, have been incorporated in Rule No. 1128 of 2 December 2002.
On the other hand, account shall, in particular, be taken of circumstances arising in the course of the year as a result of:

- a change in civil status or settlement in another place of residence with a different taxation system,
- commencement or cessation of payment of the pension.

4. The Organisation shall supply the Member Countries concerned with the names, forenames and full address of pensioners and the total amount of the pension and adjustment.

5. The recipient of an adjustment as specified in this Article shall be required to inform the Organisation of his full address and of any subsequent change therein.

Such recipient shall produce evidence of his pension and the relative adjustment having been declared or taxed; should he fail to comply with this obligation, he shall be deprived of the right to this adjustment and shall refund any amounts unduly received in this respect.

6. The other procedures for calculating the adjustment and, in particular, those necessitated by the special features of certain national tax laws, and the procedure for payment of the adjustment shall be laid down in the Implementing Instructions established in accordance with the tax legislation of Member Countries.

Notwithstanding Article 52, the implementing provisions referred to in this paragraph shall require approval by the Councils of the Organisations listed in Article 1.1.

**CHAPTER XII: TRANSITIONAL ARRANGEMENTS APPLICABLE TO STAFF WHOSE SERVICE BEGAN BEFORE 1 JULY 1974**

**SECTION 1: STAFF FORMERLY SUBJECT TO THE PENSION SCHEME INTRODUCED ON 1 JANUARY 1967**

**Article 43 – Credit for service**

a. *Service performed after 1 January 1967*

1. Periods served after 1 January 1967 by staff members in service on 1 July 1974 shall in all cases be taken into account under the Pension Scheme established by these Regulations.

b. *Service performed prior to 1 January 1967 and credited under the previous Pension Scheme*

2. Periods of service prior to 1 January 1967 credited to staff under the Pension Scheme established by Resolution (66)39 shall in all cases be taken into account under the Pension Scheme established by these Regulations.

c. *Service performed before 1 January 1967 and not credited to staff members under the previous Pension Scheme*

3. Staff in service on the date of adoption of these Rules:

i) Staff members in service on the date of adoption of these Rules who renounced the right to be credited with service performed prior to 1 January 1967 under the Pension Scheme established by Resolution (66)39 may, if they so desire, revoke that decision and ask to be given credit for such service within the period of one year laid down in paragraph 7 i). This new option shall be irrevocable both for the staff member concerned and for the persons entitled in respect of him. It shall be made in the conditions laid down in Article 44 a.
ii) Should a staff member become incapacitated without having made the choice referred to in paragraph 3 i) above, he shall retain the option of claiming credit for service prior to 1 January 1967 within the period of one year laid down in paragraph 7 i).

iii) Should a staff member die without having exercised the option referred to in paragraph 3, his spouse or, in the event of the latter’s death, his orphans or other dependants may exercise the option referred to in sub-paragraph i) above but shall do so within the period of six months laid down in paragraph 7 ii).

iv) If the options described in the present paragraph are not exercised within the prescribed time-limits, the staff member or the persons entitled in respect of him shall be deemed to have maintained the option exercised under the Pension Scheme established by Resolution (66)39.

4. Staff who left the Organisation between 1 January 1973 and the date of adoption of these Rules.

i) Staff members who left the Organisation between 1 January 1973 and the date of adoption of these Regulations without having claimed credit for their service prior to 1 January 1967, may apply within the period of one year referred to in paragraph 7 i) to have all periods of service performed before the date on which they left the Organisation credited to them with a view to benefiting from the Pension Scheme established by these Regulations, with the exception of the leaving allowance.

ii) Such application shall be granted provided the staff member concerned refunds to the Organisation:

1. for the period before 1 January 1967: the amounts specified in Article 44 a,

2. for the period between 1 January 1967 and the date of departure: the amount of the allowance paid to him in accordance with Article 16 of the Pension Scheme established by Resolution (66)39, less the amount to which he is entitled under Article 44 b.4.


i) Staff who left the Organisation between 1 January 1967 and 1 January 1973 at the age of 60 or over after at least ten years’ service, without having claimed credit for their service prior to 1 January 1967, may apply within the period of one year referred to in paragraph 7 i) to have all periods of service performed before the date on which they left the Organisation credited to them with a view to benefiting from the Pension Scheme established by these Regulations, with the exception of the leaving allowance.

ii) Such application shall be granted provided the staff member concerned refunds to the Organisation:

1. for the period before 1 January 1967: the amounts specified in Article 44 a;

2. for the period between 1 January 1967 and the date of departure, the amount of the allowance paid to him in accordance with Article 16 of the Pension Scheme established by Resolution (66)39, plus compound interest at 4% per annum until 1 January 1973.

They shall, however, be granted a reduction on the amounts to be repaid, calculated in accordance with Article 49.2 of these Regulations.

d. Service for less than ten years

6. i) Staff who left the Organisation on reaching the statutory age-limit after 31 December 1966 without having performed ten years’ service may apply within the period of one year referred to in paragraph 7.i) for a proportional pension calculated according to the provisions of Article 10, subject to their having entered the service of the Organisation before 1 July 1974.
and having claimed credit for all their service and refunded the amounts referred to in paragraphs 4 and 5 above respectively, in accordance with their date of departure.

ii) If the staff member referred to in sub-paragraph i) had already claimed credit for service prior to 1 January 1967, he shall be required when applying for a proportional pension to refund the leaving allowance paid to him plus compound interest at 4% per annum until 1 January 1973, subject to deduction where appropriate, of an abatement calculated in accordance with Article 49.2 of these Regulations.

iii) A staff member entering the service of the Organisation after 1 January 1967 but before 1 July 1974 and leaving it on reaching the statutory age-limit without having performed ten years' service may also choose between the leaving allowance and a proportional pension.

e. **Time-limits and coming into effect of options**

7. i) The time-limits for options and applications laid down in this Article shall expire on 30 June 1978.

ii) However, in the cases of death referred to in paragraph 3.iii), the period during which the option may be exercised by the persons entitled in respect of the staff member shall be six months as from the date on which the Organisation has notified them of the Pension Scheme established by these Regulations.

Similarly, if the former staff member dies without making his application within the time-limit set in paragraphs 4.i), 5.i) and 6.i), the persons entitled in respect of him may do so within the six-month period mentioned in this sub-paragraph.

iii) The options provided for in this section shall take effect on 1 July 1974; however, in the cases referred to in paragraphs 4, 5 and 6 the option shall take effect either on the date of award of benefits under the Pension Scheme or on the date on which the staff member leaves the Organisation if he is entitled to a deferred pension, but in no case earlier than 1 January 1973.

f. **Credit for other periods of service**

8. i) A staff member may also claim credit, within the period referred to in paragraph 7i) above, for periods of service performed in the Organisation prior to his appointment as a permanent official, in accordance with the provisions of Article 5.5 of these Regulations.

ii) A staff member who claims credit under these transitional arrangements for service performed in the Council of Europe prior to 1 January 1967 must also claim credit for all service performed as a permanent official elsewhere, in one or more of the Organisations referred to in Article 1.1 of these Regulations, on the conditions laid down in the regulations applicable to the said Organisations.

However, staff members who have already claimed credit for periods of service in the Council of Europe prior to 1 January 1967 in accordance with the Pension Scheme established under Resolution (66)39 shall not be required to claim credit for periods of service performed in other Organisations prior to the date of adoption of these Regulations.

**Article 44 – Conditions for crediting periods of service performed prior to 1 July 1974**

a. **Service performed prior to 1 January 1967**

1. A staff member credited with service performed prior to 1 January 1967 shall surrender his holding in the Provident Fund. However:

i) A staff member credited with service performed prior to the establishment of the Provident Fund shall retain the difference between: a. the amounts contributed by the Organisation as a
severance allowance plus their yield and b. the aforesaid amounts, plus compound interest at 4% per annum.

If the said period of service has already been credited under Article 76 of the Pension Scheme Regulations established by Resolution (66)39, subject to payment of a contribution equal to 7% of the salary received in respect of such service, the staff member shall be entitled to have the said contribution refunded with interest at a rate equal to the return on investment in addition to the difference referred to in the preceding sub-paragraph.

ii) For any period of service between 1 January 1953 when the Provident Fund was established, and 1 January 1967 when the Pension Scheme established by Resolution (66)39 came into force, the staff member shall retain the difference between:

- his Provident Fund holding at 31 December 1966 plus compound interest at the rates equal to the return on investment, as fixed annually, and
- the amount corresponding to 21% of the salary received in respect of such service, plus compound interest at 4%.

If the staff member has already claimed credit for that period of service under Article 75 of the Pension Scheme Regulations established by Resolution (66)39, he shall be entitled to reimbursement of the difference referred to in this sub-paragraph ii).

iii) Returns on investments and compound interest as provided for in sub-paragraphs i and ii above shall be calculated:

- up to 1 July 1974 in the case of staff members in service at that date;
- up to the date on which benefits became payable in the case of staff members who retired between 1 January 1967 and 1 July 1974;
- up to the date on which the staff member left the Organisation if he was entitled to a deferred service pension prior to 1 July 1974;
- up to the date of death if it occurred before 1 July 1974.

2. The provisions of paragraph 1 above shall also apply to persons in receipt of pensions granted under the Pension Scheme Regulations established by Resolution (66)39. They shall not apply to staff who, having claimed credit for service prior to 1 January 1967, left the Organisation before 1 July 1974 and received a leaving allowance under the Pension Scheme Regulations established by Resolution (66)39 unless the staff members in question are granted proportional pensions in accordance with Article 43.6 i) and ii).

3. i) Where a staff member has exercised his right to make withdrawals from his Provident Fund holding and where, in consequence, the amount standing to his credit is less than the amount he would have had to surrender under paragraph 1 if he had not made withdrawals, service prior to 1 January 1967 shall be credited only in the proportion these two amounts bear to each other.

ii) This provision shall not apply where a staff member has, within the period referred to in Article 43.7 i), undertaken to refund the difference between the two amounts plus compound interest at 4% per annum as from 1 July 1974.

If the staff member makes only partial repayment, past service shall be credited only in the proportion provided for in sub-paragraph i) above.

iii) Should a staff member become incapacitated or die without having exercised the option referred to in Article 43, the figure of 70% provided for in Article 14.2, as well as the minimum pensions provided for in Articles 14.4 and 19.3, shall be reduced in the proportion existing between:

- the total number of years of service reckonable – up to the statutory age-limit in the event of invalidity – allowing for the reductions provided for in this paragraph, and
• the total number of years of service that would have been credited if the staff member had been credited with all service performed prior to 1 January 1967.

iv) The repayments referred to in this paragraph shall be effected within time-limits laid down in the rules for application of these Regulations.

b. Service performed after 1 January 1967

4. i) With regard to service performed between 1 January 1967 and 30 June 1974, a staff member shall be paid the difference between:

- his personal contributions for the period concerned plus compound interest at a rate equal to the return on the Pension Fund’s investments up to 30 June 1974, and
- the aforesaid contributions plus compound interest at 4% per annum up to the same date.

ii) However, the said difference shall not be payable to staff who left the Organisation before 1 January 1973.

Article 45 – Pension without credit for past service

i) A staff member who does not claim credit for service prior to 1 January 1967 shall be entitled to benefit under these Regulations only in respect of the period of service subsequent to that date.

ii) In the calculation of the minimum retirement pension referred to in Article 10.3, only the years served after 1 January 1967 shall be taken into account.

iii) If a staff member becomes incapacitated or dies while serving after the date on which these Rules are finally approved, the provisions of Chapters III to VI shall apply as appropriate.

Article 46 – Bonus for service after the age of 60

1. A staff member who did not leave the Organisation before 1 January 1973, who has chosen one of the options specified in Articles 43, 44 and 45 and who has continued to serve beyond the age of 60, shall, in respect of each year completed after that age, be entitled to an increase in pension corresponding to 5% of the reckonable years of service credited to him at the age of 60, but

i) the increase granted in respect of each year served after the age of 60 shall not exceed 2% of the salary defined in Article 10.1, and

ii) his total pension shall not exceed 70% of the salary so defined.

2. Within the same limit, pension rights shall continue to accrue as provided for in Article 10.1.

3. This article shall, in the case covered by Article 14.1, apply only in respect of actual service after the age of 60.

Article 47 – Compensation for loss of previous pension rights

A staff member who left the Organisation before 1 January 1973 may receive compensation by way of reckonable years of service under the conditions and within the limits laid down in the provisions implementing the Rules if he establishes that, by reason of having joined the Pension Scheme of the Organisation, he has been obliged to forfeit all or part of any pension rights that may have accrued to him previously in his country of origin, without being able to obtain the actuarial equivalent of such rights.
Article 48 – Application of the present regulations to pensions paid out of the Council of European Pension Fund

1. Pensions awarded under the Pension Scheme established by Resolution (66)39, shall be subject to the provisions in these Regulations as from the date on which they come into force.

If the amount of these pensions is changed, this change shall take effect as from 1 January 1973 or as from the date on which the aforesaid pensions were granted, if it is later.

2. However, persons in receipt of disablement, survivors’ or orphans’ pensions may choose, under the conditions laid down in paragraphs 3 and 4 below, between the application of Chapters III to VI inclusive of these Regulations and the continued application of Chapters III to VI inclusive of the Pension Scheme set up by Resolution (66)39.

3. If they have not claimed credit for service prior to 1 January 1967, persons in receipt of the pensions referred to in paragraph 2 above who choose the first option, that is the application of Chapters III to VI inclusive of these Regulations, shall be required to pay the amounts necessary for the crediting of this service in accordance with the conditions laid down in Article 44 a.

4. The option provided for in paragraph 2 above shall be exercised within the period of one year from the date on which the Organisation has informed those concerned of the provisions of these Regulations.

Should a beneficiary die before exercising his option, his dependants may exercise it within a period of six months as from the date on which the Organisation has notified them of the provisions contained in these Regulations.

In the absence of an option within the periods laid down the beneficiary or his dependants shall be deemed to have chosen the maintenance of the application of Chapters III to VI inclusive of the Pension Scheme set up by Resolution (66)39.

5. Article 46 of these Regulations shall not apply to the calculation of the pensions referred to under this article if the staff member left the Organisation before 1 January 1973.

SECTION 2: STAFF WHOSE SERVICE TERMINATED BEFORE 1 JANUARY 1967

Article 49 – Scope

1. As a transitional measure, the provisions of these Regulations shall, if so requested by them, apply to:

i) former staff members with not less than ten years’ service who left the Organisation at the age of 60 or more and their widows, incapacitated widowers and orphaned children;

ii) the widows, incapacitated widowers and orphaned children of staff members who died while serving;

iii) staff members permanently incapacitated while serving and their widows, incapacitated widowers and orphans, when the contingencies referred to in i), ii) and iii) occurred before 1 January 1967.

2. These beneficiaries shall, however, refund to the Organisation responsible for payment of benefits the Provident Fund holdings paid at the time of departure, death, or recognition as unfit for service. This refund shall include non-reimbursed withdrawals, under the conditions laid down in Article 44.3.
This refund shall be limited to the amount of contributions paid by the staff member and by the Organisation, plus compound interest at 4% per annum; such refund shall be abated, where applicable, by an amount calculated by means of the following fraction:

- numerator: the difference between the age of the staff member on 1 January 1973 and his age at the time of departure, death or recognition as unfit for service;
- denominator: the difference between 80 and the age of the staff member at the time of departure, death or recognition as unfit for service.

3. The request referred to in paragraph 1 above must be made within a period of one year from the date on which the Organisation notifies entitled persons of the Pension Scheme established by these Regulations, failing which the right to make it shall lapse. The benefits under this article shall be granted with effect from 1 January 1973.

4. Benefits under this article shall be calculated by reference to the staff member's grading when he left the service before 1 January 1967, but on the basis of the corresponding scales in force on 1 January 1973, subsequently adjusted in accordance with Article 36.

5. Staff to whom this article applies shall not benefit under the provisions of Article 46.

SECTION 3: HARDSHIP ALLOWANCE

Article 50 – Hardship allowance

1. As an exceptional measure, when a staff member governed by the transitional arrangements is – or the persons claiming under him are – unable to make the refunds required under Article 44 or Article 49, he – or they – may, if the Secretary General considers this justified in the light of his – or their – overall income, be granted a hardship allowance. This allowance shall not exceed the amount of the minimum pension provided for in the Rules in respect of each category of beneficiary.

A hardship allowance may also be granted on grounds of low level income to the widowers of female staff members who died before 1 January 1979. In this case, any pension granted as the case may be to the children or other dependants shall be reduced to the amount laid down in Article 25.2.

2. The hardship allowance may only be granted as from the first day of the month following that in which the application is made, and in any event not earlier than 1 July 1974; it may not, however, be granted to a former staff member before he has reached the age of 60, unless he is incapacitated.

3. Detailed application of this Article will be governed by the instructions referred to in Article 52.

CHAPTER XIII: FINAL PROVISIONS

Article 51 – Co-ordination

These Rules must be applied in a uniform manner by the different Organisations listed in Article 1.1. To this end, the Secretaries (and Directors) General of those Organisations shall consult among themselves in order to carry out the appropriate co-ordination.

Article 52 – Detailed implementation

Instructions for the implementation of these Rules shall be drawn up by the Secretary General (Director General) of the Organisation.

Article 53 – Entry into force

These Rules shall enter into force on 1 July 1974.
Appendix to Article 41– actuarial studies of the Pension Scheme Rules

Periodicity

At least every 5 years

Method

1. Calculation, as at the effective date of the study for all the organisations, of the rate of contribution payable by staff in order to finance one-third of benefits provided under the Scheme, establishing the present value of future entitlements and salaries.

2. Projections of annual amounts of future entitlements will be calculated, on the one hand, for the overall population of staff members at the date of the study and, on the other hand, for the population of staff members who will be recruited by the Co-ordinated Organisations in the years to come. Projections of salaries for these populations will also be established year by year. Each of these amounts will be discounted to present worth.

3. Combining these results will make it possible to determine the rate of contribution needed to finance one-third of benefits provided under the Scheme.

Demographic assumptions

4. The demographic assumptions are derived from detailed demographic studies for each of the Co-ordinated Organisations. These studies examine past experience over a period of fifteen years in tranches of five years so as to identify trends; they also take account of available forecasts regarding future numbers of staff.

5. The rates obtained are adjusted so as to eliminate distortions resulting from insufficient data in certain organisations.

Economic assumptions

6. The discounting process is based on observed rates of return on long-term bonds issued in the reference countries, as from the date when they become a reference country.

7. A discount rate net of inflation shall be used. It shall be equal to the arithmetical average of average real rates observed over the thirty years preceding the date when the actuarial study is conducted.

8. The average real rate for a given past year is obtained from the real rates in each country, calculated as the quotient of the rate of gross return on bonds by the corresponding rate of inflation, as shown by the national consumer price index.

Salary increase assumptions

9. The salary increase assumptions are derived for each organisation from an analysis of the past experience over a period of 15 years in tranches of five years so as to identify trends. They also take account of available forecasts in that respect.

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1 Note: added by Resolution Res(2002)54 of 27 November 2002. The numbering of paragraphs within articles has been harmonised in this version of Appendix V bis. A version with its implementing instructions has been published separately.

2 Due to the technical complexity of this text, the provisions of Instruction No. 33 of 1 June 1994 concerning the use of non-sexist language at the Council of Europe have not been strictly applied. It is understood that all references to the masculine include the feminine and vice-versa.

Staff regulations – Appendix V bis: New Pension Scheme “NPS”
**CHAPTER I: GENERAL PROVISIONS**

**Article 1 – Scope**

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

   - took up duty on or after the 1st of January 2003;
   - have never contributed to the Pension Scheme of the co-ordinated organisations set up by the adoption of the 94th Report of the CCG by the governing bodies of these Organisations; and
   - hold indefinite term or definite or fixed-term appointments in the Organisation.

2. A staff member, who, during his last appointment with a co-ordinated organisation, benefited from the provisions of Article 11 of the scheme set up by the adoption of the 94th Report of the CCG and who has not repaid the amounts provided for under that Article, shall be deemed to have relinquished entitlement to benefit from the said scheme and shall irrevocably be affiliated to the NPS.

3. The NPS shall not apply to other categories of personnel defined in the Organisation, such as, temporary staff, or to personnel hired under local labour legislation, etc.

4. In these Rules, the term "Organisation" refers to the Council of Europe, the term "other Organisation" means any other co-ordinated organisation having adopted the NPS and the term "staff member" means the staff referred to in paragraphs 1 and 2 above.

**Article 2 – Deferred entitlement**

Where the medical examination which every staff member has to undergo as part of the appointment process (and the consequences of which will have duly been expounded to him before his appointment) shows him to be suffering from an illness or disablement, the Organisation may decide that, as regards risks arising from an illness or disablement existing before he took up his duties, the said staff member shall not be entitled to the invalidity or death benefits provided for in these Rules until the expiry of a period not exceeding five years from the date of his appointment.

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3 Excepting staff members recruited on or after 1 January 2003 who were recruited under the special procedures for integration as permanent staff members of long-serving temporary staff members (CM/Del/Dec(2002)818/11.4).
If a staff member leaves an organisation which has adopted the NPS and, within a period of not more than six months, enters the service of another organisation which has also adopted the NPS, the time spent in the service of the first organisation shall be deducted from the period of deferred entitlement.

**Article 3 – Definition of salary**

Unless otherwise specified, for the purposes of these Rules, salary shall be the monthly basic salary of the staff member, according to the scales in force in the Organisation at the time when the pension is assessed, and updated in accordance with the provisions of Article 36.

**Article 4 – Definition of service conferring entitlement to benefits**

1. Subject to the provisions of Articles 5 and 41, paragraph 1, entitlement to benefit under these Rules shall be determined by the total of the periods actually served in the Organisation or in another Organisation:

i) as a staff member;

ii) in any other capacity prior to appointment as a staff member, provided any periods so served were not separated by breaks of more than one year.

2. In addition to the total reckonable years of service thus calculated, a staff member may request, on cessation of work, that those corresponding to certain statutory allowances be taken into account, in particular payment in lieu of notice, for loss of employment, and for leave not taken, under the provisions laid down by Instruction.

3. Periods of part-time service shall be taken into consideration in calculating entitlement to benefit under these Rules provided they correspond to at least half-time work as defined by the provisions laid down by Instruction.

4. The periods referred to in Article 16, paragraph 3 shall also be taken into consideration.

**Article 5 – Calculation of service conferring entitlement to benefits**

1. Where a staff member appointed by the Organisation has previously served with the Organisation or another Organisation, his entitlement to benefits under the terms of Article 4 shall be conditional upon his paying over to the Organisation which re-appoints him the amounts paid to him on leaving his previous service pursuant to Article 11 plus compound interest on such amounts at 4% per annum from the date when the staff member received them until the date they are paid over in accordance with this paragraph. Should the staff member fail to pay over the amounts in question, reckonable service shall count only as from the new appointment.

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

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4 Unless otherwise specified, the term “provisions laid down by Instruction” refers, throughout these Rules, to the implementation provisions in Article 44.

5 Paragraphs 1 and 2 of this Article shall only apply inasmuch as another Organisation has adopted the NPS.
If the staff member refunds to the Organisation offering him a new appointment the pension payments he has received, the provisions of Article 4 shall apply on cessation of his new appointment.

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

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

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

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

Article 6 – Reckonable years of service

1. The benefits provided for under these Rules shall be calculated by reference to reckonable years of service consisting of:
   i) service calculated in accordance with the provisions of Articles 4 and 5;
   ii) service credited in accordance with Article 12, paragraph 1.

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

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

3. In the case of part-time work:
   i) reckonable years of service shall be calculated in accordance with the ratio between the working hours corresponding to part-time service and the normal number of hours for full-time work in the Organisation;
however, reckonable years of service shall not be reduced when the staff member
authorised to work part-time has contributed to the New Pension Scheme on the basis of full-time
work, by paying, in addition to his personal contribution to the New Pension Scheme for the part
corresponding to his part-time work, a contribution equal to two and a half times the rate of
collection mentioned in Article 41, paragraph 3, on the difference in salary between his part-
time work and the corresponding full-time work, under the provisions laid down by Instruction.6

Article 6 bis – Part-time service – effects on the calculation of entitlements

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

2. However, where a staff member to whom paragraph 1 above, applies, was recruited to
work part-time, or authorised to work part-time for an indefinite period or for a definite period
renewable by tacit agreement and if the provisions of Article 6, paragraph 3 ii) are not applied, the
rate of the invalidity pension referred to in Article 14, paragraph 2, together with any minima and
ceilings applicable, shall be set in accordance with the provisions laid down by Instruction.8

CHAPTER II: RETIREMENT PENSION AND LEAVING ALLOWANCE

SECTION 1: RETIREMENT PENSION

Article 7 – Conditions of entitlement

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

2. For the implementation of the condition of length of service referred to in paragraph 1
above, periods of service in respect of which contributions to the Defined Benefit Funded Pension
Scheme of the ECMWF have been paid and for which the staff member has benefited from an
inward transfer of pension rights, under the provisions laid down in Article 12, paragraph 1 and its
implementing instructions, shall also be taken into account.9

Article 8 – Age of entitlement, deferred or early pension

1. A staff member shall become eligible for a retirement pension at the age laid down by the
Organisation.

6 Note: as amended by Decision (CM/Del/Dec(2009)1045/11.2E), adopted by the Committee of Ministers on
14 January 2009 at the 1045th meeting of the Ministers’ Deputies, with effect from 1 January 2009.

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

8 Note: as amended by Decision (CM/Del/Dec(2009)1045/11.2), adopted by the Committee of Ministers on
14 January 2009 at the 1045th meeting of the Ministers’ Deputies, with effect from 1 January 2009.

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2. Pension rights shall continue to accrue to a staff member continuing to be employed after pensionable age, but his pension shall not exceed the maximum amount laid down in Article 10, paragraph 2.

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

4. However, a staff member who retires before pensionable age may request early payment of his pension 12 years before that age at the earliest.

In such a case, the amount of the retirement pension shall be reduced by reference to the age of the staff member when his pension is assessed, as shown in the tables below.10

i) If the age of entitlement for a retirement pension is 63 years or 63 years and 6 months:

<table>
<thead>
<tr>
<th>Age at which payment of pension begins</th>
<th>Early retirement pension as a percentage of pension at age 63</th>
</tr>
</thead>
<tbody>
<tr>
<td>51</td>
<td>53%</td>
</tr>
<tr>
<td>52</td>
<td>56%</td>
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<tr>
<td>53</td>
<td>59%</td>
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<tr>
<td>54</td>
<td>62%</td>
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<td>55</td>
<td>65%</td>
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<tr>
<td>56</td>
<td>68%</td>
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<tr>
<td>57</td>
<td>72%</td>
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<tr>
<td>58</td>
<td>76%</td>
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<tr>
<td>59</td>
<td>80%</td>
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<tr>
<td>60</td>
<td>84%</td>
</tr>
<tr>
<td>61</td>
<td>89%</td>
</tr>
<tr>
<td>62</td>
<td>94%</td>
</tr>
</tbody>
</table>

ii) If the age of entitlement for a retirement pension is 64 years or 64 years and 6 months:

<table>
<thead>
<tr>
<th>Age at which payment of pension begins</th>
<th>Early retirement pension as a percentage of pension at age 64</th>
</tr>
</thead>
<tbody>
<tr>
<td>52</td>
<td>53%</td>
</tr>
<tr>
<td>53</td>
<td>55%</td>
</tr>
<tr>
<td>54</td>
<td>58%</td>
</tr>
<tr>
<td>55</td>
<td>61%</td>
</tr>
<tr>
<td>56</td>
<td>64%</td>
</tr>
<tr>
<td>57</td>
<td>68%</td>
</tr>
</tbody>
</table>

Note: as amended by Decision (CM/Del/Dec(2015)1234/11.4), adopted by the Committee of Ministers on 10 September 2015 at the 1234th meeting of the Ministers’ Deputies.
iii) If the age of entitlement for a retirement pension is 65:

<table>
<thead>
<tr>
<th>Age at which payment of pension begins</th>
<th>Early retirement pension as a percentage of pension at age 65</th>
</tr>
</thead>
<tbody>
<tr>
<td>53</td>
<td>52 %</td>
</tr>
<tr>
<td>54</td>
<td>55 %</td>
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<tr>
<td>55</td>
<td>57 %</td>
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<td>56</td>
<td>60 %</td>
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<tr>
<td>57</td>
<td>64 %</td>
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<tr>
<td>58</td>
<td>67 %</td>
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<tr>
<td>59</td>
<td>71 %</td>
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<td>60</td>
<td>75 %</td>
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<tr>
<td>61</td>
<td>79 %</td>
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<td>62</td>
<td>84 %</td>
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<tr>
<td>63</td>
<td>89 %</td>
</tr>
<tr>
<td>64</td>
<td>94 %</td>
</tr>
</tbody>
</table>

An actuarial study of the reduction coefficients used in this table, based in particular on the relevant data from the study provided for in Article 41 on the contribution rate of staff members, shall be carried out at the same intervals as this latter study.

5. Where the Organisation terminates the appointment of a staff member, the reduction coefficient applicable to early payment of his pension shall be 3% a year between the age of 60 and the pensionable age. However, this provision does not apply when the Organisation terminates the appointment as a result of disciplinary action or for unsatisfactory service.\(^\text{11, 12}\)

**Article 9 – Commencement and cessation of entitlement**

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

2. Entitlement shall cease at the end of the month in which the pensioner dies.

**Article 10 – Rate of pension**

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\(^\text{11} \text{In these latter cases the provisions of Article 8, paragraph 4 apply.}\)

\(^\text{12} \text{Note: as amended by Decision (CM/Del/Dec(2011)1106/11.2E), adopted by the Committee of Ministers on 16 February 2011 at the 1106th meeting of the Ministers’ Deputies, with effect from 16 February 2011.}\)
1. The amount of the retirement pension shall be, per reckonable year of service within the meaning of Article 6, 2% of the salary corresponding to the last grade held by the staff member for not less than one year before cessation of his appointment and the last step held in that grade.

2. The maximum rate of the pension shall be 70% of this salary, subject to the provisions of paragraph 3 below.

3. The amount of the retirement pension shall not be less than 4% of the salary for grade C1, step 1, per reckonable year of service credited pursuant to Article 6; it may not, however, exceed the staff member’s last salary as defined in Article 3.

SECTION 2: LEAVING ALLOWANCE

Article 11 – Leaving allowance

1. A staff member whose service ceases otherwise than by reason of death or invalidity and who is not entitled to a retirement pension nor to the benefit of the provisions of Article 12, paragraph 2, shall be entitled on leaving to payment of an amount equal to 2.25 times his rate of contribution as applied to his last annual salary, multiplied by the number of reckonable years of service credited within the meaning of Article 6, paragraph 1.

2. The reckonable years of service credited in accordance with Article 12, paragraph 1 shall not be taken into account for the calculation of the leaving allowance but shall give rise to the payment of an actuarial equivalent calculated in accordance with Article 12, paragraph 2, unless the amounts initially transferred are refunded to the pension scheme concerned.

3. A staff member who is re-appointed by the Organisation after having received a leaving allowance must pay it back if the period during which he was not employed by the Organisation, in whatever capacity, is less than 12 months.

SECTION 3: INWARD AND OUTWARD TRANSFER OF PENSION RIGHTS

Article 12 – Inward and outward transfer of pension rights

1. A staff member who enters the service of the Organisation after leaving the service of a government administration or national organisation, or international organisation not listed in Article 1, paragraph 4, or a firm, may arrange for payment to the Organisation in accordance with the provisions laid down by Instruction, of any amounts corresponding to the retirement pension rights accrued under the pension scheme to which he was previously affiliated in so far as that scheme allows such a transfer.

In such cases, the Organisation shall determine, by reference to the provisions laid down by Instruction, the number of years of reckonable service with which he shall be credited under the present scheme.

2. A staff member who leaves the service of the Organisation to enter the service of a government administration or national organisation, or international organisation, not listed in

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14 See Article 33, paragraph 7.
15 Note: this paragraph applies to staff members who on 18 February 2009 had not requested an inward transfer of previous rights.
Article 1, paragraph 4, which has entered into an agreement with the Organisation, shall be entitled to transfer to the pension fund of that administration or organisation:

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

**CHAPTER III: INVALIDITY PENSION**

**Article 13 – Conditions of entitlement – Invalidity Board**

1. Subject to the provisions of Article 2, an invalidity pension shall be payable to a staff member who is under the age limit laid down in the Staff Regulations and who, at any time during the period in which pension rights are accruing to him, is recognised by the Invalidity Board defined below to be suffering from permanent invalidity which totally prevents him from performing his job or any duties corresponding to his experience and qualifications which may have been proposed to him by the Organisation.

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

**Article 14 – Rate of pension**

1. Subject to the provisions of Article 5, paragraph 3, the invalidity pension shall be equal to the retirement pension to which the staff member would have been entitled at the age limit laid down in the Staff Regulations if he had continued to serve until that age, the requirement for a minimum of ten years’ service under Article 7 not being applicable.

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

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

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

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

**Article 15 – Concurrent earnings**

1. Where a person in receipt of an invalidity pension is nevertheless gainfully employed, this pension shall be reduced by the amount by which his pension together with the remuneration he receives for the said employment exceeds the salary for the highest step in the grade he held at the time of his being recognised an invalid.

2. This reduction shall apply only up to the age limit laid down in the Staff Regulations.
Article 16 – Medical examination – Termination of pension

1. While a person receiving an invalidity pension is still under the age limit laid down in the Staff Regulations, the Organisation may have him medically examined periodically to ascertain that he still satisfies the conditions for entitlement to such pension, in particular having regard to any new duties corresponding to his experience and qualifications which may have been proposed to him by the Organisation.

2. When a person receiving an invalidity pension who has not reached the said age limit ceases to satisfy the conditions for entitlement to the invalidity pension, the Organisation shall terminate that pension.

3. The time during which the person concerned has received his invalidity pension shall then be reckoned, without payment of back contributions, for the calculation of the leaving allowance or retirement pension, as the case may be.

Article 17 – Commencement and cessation of entitlement

1. Entitlement to an invalidity pension shall commence on the first day of the month following the date of the beginning of the invalidity as recognised by the Invalidity Board.

2. Subject to application of Article 16, paragraph 2:

   i) the invalidity pension payable under Article 14, paragraph 2 shall be paid for life;

   ii) in other cases, entitlement to an invalidity pension shall terminate:

   - either at the age limit laid down in the Staff Regulations;
   - or at the end of the month during which the person receiving the pension dies

Where the invalidity pension terminates because the person concerned has reached the age limit laid down in the Staff Regulations, he shall, notwithstanding the ten-year minimum requirement provided for in Article 7, be entitled to a retirement pension calculated as follows:

- reckonable years of service shall be calculated as if he had remained in service until the age limit laid down in the Staff Regulations;
- the reference salary shall be that of his grade and step at the time of his being recognised an invalid, updated in accordance with Article 36.

CHAPTER IV: SURVIVOR’S AND REVERSION PENSIONS

Article 18 – Conditions of entitlement

1. The surviving spouse of a staff member who died in service shall be entitled to a survivor’s pension, provided they had been married to each other for at least one year at the time of the staff member’s death, unless the death resulted either from disablement or illness contracted in the performance of his duties, or from an accident.

2. A reversion pension shall be payable to the surviving spouse:

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17 Wherever it occurs in these Rules, the expression “surviving spouse” applies indifferently to the wife or husband of the deceased staff member.
of a former staff member drawing an invalidity pension, if they were married to each other for at least one year at the time of his being recognised an invalid; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of the former staff member’s death, or if the death resulted either from disablement or illness contracted in the performance of his duties, or from an accident;

ii) of a former staff member drawing a retirement pension, if they had been married to each other for at least one year at the time when the former staff member’s appointment ceased; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of the former staff member’s death; or

iii) of a former staff member entitled to a deferred pension, if they had been married to each other for at least one year at the time when the former staff member’s appointment ceased; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of his death.

3. The above-prescribed conditions of anteriority or minimum duration of marriage shall not apply where there are one or more children of the marriage or of a marriage of the staff member contracted prior to the cessation of his appointment, inasmuch as the non-remarried surviving spouse is providing for their needs; in such case, the survivor’s or reversion pension shall be payable, under the present paragraph, for so long as the children are actually being so provided for.

When they are no longer being so provided for, the survivor’s or reversion pension shall nonetheless continue to be payable for so long as the surviving spouse does not have an income of his own from the exercise of any occupation, or from any retirement pension or other survivor’s or reversion pension, equal to at least the amount of the survivor’s or reversion pension from the Organisation.

4. Entitlement to a survivor’s or reversion pension shall be subject to the provisions of Article 2.

Article 19 – Rate of pension

1. The survivor’s pension shall be 60% of the retirement pension that would have been payable to the staff member, had he not died in service, on the basis of his reckonable years of service credited up to the time of his death, the requirement for a minimum of ten years of service under the provisions of Article 7 not being applicable.

2. Where a staff member has died as the result of an accident in the course of the performance of his duties, from an occupational disease, from a public-spirited act or from risking his life to save another human being, the survivor’s pension shall be 60% of the invalidity pension to which the staff member would have been entitled, had he survived, under Article 14, paragraph 2.

3. The survivor’s pension shall not be less than 35% of the staff member’s last salary; nor shall it be less than 100% of the salary for Grade C1, step 1.

4. When the former staff member was receiving a pension at the time of his death, the amount of the reversion pension shall correspond to the highest of the following amounts:

- 60% of the retirement or invalidity pension to which the former staff member was entitled at the time of the assessment of his pension, no account being taken of any reductions resulting from the application of Article 8, paragraph 4 or Article 15;
- 35% of the former staff member’s last salary at the time of the assessment of his pension; or
• 100% of the salary for grade C1, step 1, under the scale in force at the time of the assessment of his pension.

These amounts shall be updated in accordance with the provisions of Article 36.

5. When the former staff member was not receiving a pension at the time of his death, the amount of the reversion pension shall correspond to the highest of the following amounts:

• 60% of the retirement pension to which the former staff member would have been entitled had he reached the pensionable age at the time of his death;
• 35% of the former staff member’s last salary corresponding to his last grade and step, under the scale in force at the time of his death; or
• 100% of the salary for grade C1, step 1, under the scale in force at the time of the former staff member’s death.

6. The amount of the reversion pension shall not exceed that of the pension received by the former staff member or, in cases provided for under paragraph 5 above, the amount of the pension to which the former staff member would have been entitled had he reached the pensionable at the time of his death.¹⁸

Article 20 – Reduction for difference in age

Where the difference in age between the deceased staff member or former staff member and his younger surviving spouse and/or former spouse, minus the length of time they have been married, is more than ten years, the survivor’s or reversion pension, calculated in accordance with the preceding provisions, shall be subject to a reduction, per year of difference, amounting to:

• 1% for the years between ten and twenty;
• 2% for the years twenty up to but not including twenty-five;
• 3% for the years twenty-five up to but not including thirty;
• 4% for the years thirty up to but not including thirty-five;
• 5% for the years from thirty-five upwards.

Article 21 – Remarriage¹⁹

1. Entitlement to a survivor’s or reversion pension shall cease on remarriage. The survivor shall be entitled to immediate payment of a capital sum equal to twice the annual amount of the pension, if there are no dependent children to whom the provisions of Article 24, paragraph 4 apply.

2. The capital sum paid to the ex-spouse shall not be more than the amount to which he could still be entitled under Article 22, paragraph 1.

Article 22 – Rights of a former spouse²⁰

1. The non-remarried former spouse of a staff member or former staff member shall, on the latter’s death, be entitled to a survivor’s or reversion pension, provided that and for as long as, the staff member or former staff member was, at the time of his death and by virtue of a court

¹⁸ Note: as amended by Decision (CM/Del/Dec(2007)985/11.3), adopted by the Committee of Ministers on 31 January 2007 at the 985th meeting of the Ministers’ Deputies, with effect from 1 January 2007.


²⁰ Note: as amended by Resolution CM/Res(2012)50 of 12 December 2012, with effect from 1 April 2013.
decision which has become final and binding, under an obligation to pay maintenance or compensation to the former spouse, in a personal capacity, but the survivor’s or reversion pension shall not exceed the amount of such payment.

This entitlement shall not arise if the former spouse remarried before the staff member or former staff member died. If remarriage takes place after the staff member’s or former staff member’s death and while the conditions laid down in the sub-paragraph above are still fulfilled, the provisions of Article 21 shall apply.

2. Where a staff member or former staff member dies leaving both a spouse entitled to a survivor’s or reversion pension and a non-remarried former spouse fulfilling the conditions laid down in paragraph 1 above, the whole of the survivor’s or reversion pension shall be divided between the before-mentioned persons in proportion to the duration of their marriages.

The amount to which a non-remarried former spouse is entitled shall however not be more than the amount of the maintenance or compensation payable at the time of the death of the staff member or former staff member.

3. Where one of the persons entitled to a survivor’s or reversion pension renounces his share, ceases to satisfy the conditions for entitlement or forfeits his rights under Article 35 or where the amount of his pension has been restricted under the terms of the second sub-paragraph of paragraph 2 above, his share shall accrue to the share of the other person, except where pension rights revert to orphans, as provided under the last sub-paragraph of Article 24, paragraph 3. In such a case, the restriction laid down in the second sub-paragraph of paragraph 2 above shall apply.

4. Reductions in respect of difference in age as provided for in Article 20 shall be applied separately to survivors’ and reversion pensions calculated in accordance with the present Article.

**Article 23 – Commencement and cessation of entitlement**

1. Entitlement to a survivor’s or reversion pension shall commence from the first day of the month following that in which the staff member or former staff member died. If the salary of a staff member who died in service continues to be paid to a surviving spouse or former spouse, directly and in full, under the Staff Regulations and Rules of the Organisation, payment of the pension of the person concerned shall be deferred accordingly.

2. Entitlement to a survivor’s or reversion pension shall cease at the end of the month in which the recipient of the pension dies or ceases to satisfy the conditions for entitlement to that pension.

**CHAPTER V: ORPHAN’S OR DEPENDANT’S PENSION**

**Article 24 – Rate of orphan’s pension**

1. Where a staff member or former staff member receiving a retirement or invalidity pension or entitled to a deferred pension dies, his children shall be entitled to an orphan’s pension if they fulfil the conditions laid down in paragraph 2.

2. The legitimate, natural or adopted children of a staff member or former staff member who has died shall be entitled to an orphan’s pension:

i) when the deceased or his household provided their main and continuing support at the time of death; and

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when they satisfy the conditions of age, education or handicap required for the granting of the child’s allowance or the supplement for dependent child, under the rules applicable to the staff member or former staff member who has died.

The legitimate or natural children of a deceased staff member or former staff member who were born not more than 300 days after his death shall also be entitled to an orphan’s pension.

3. Where there are one or more persons entitled to a survivor’s or reversion pension, the amount of the orphan’s pension shall correspond to the higher of the following amounts:

i) 40% of the survivor’s or reversion pension, no account being taken of reductions pursuant to Article 20; or

ii) 50% of the salary for grade C1, step 1, according to the scale in force when the former staff member’s pension was assessed, this amount being updated in accordance with the provisions of Article 36, or, if he was not receiving a retirement or invalidity pension, according to the scale in force at the time of death.

The orphan’s pension shall be increased, in respect of the second and every further beneficiary, by an amount equal to the allowance for a dependent child or to the supplement for dependent child, under the rules applicable to the staff member or former staff member who has died.

The orphan’s pension shall be brought up to the level provided for in paragraph 4 in the event of the beneficiaries of a survivor’s or reversion pension dying or remarrying or losing their right to that pension.\(^\text{22}\)

4. Where there are no beneficiaries of a survivor’s or reversion pension, the orphan’s pension shall correspond to the higher of the following amounts:

i) 80% of the survivor’s or reversion pension, no account being taken of reductions pursuant to Article 20; or

ii) 100% of the salary for grade C1, step 1, according to the scale in force when the former staff member’s pension was assessed, this amount being updated in accordance with the provisions of Article 36, or, if he was not receiving a retirement or invalidity pension, according to the scale in force at the time of death.

The orphan’s pension shall be increased, in respect of the second and every further beneficiary, by an amount equal to twice the allowance for a dependent child or the supplement for dependent child, under the rules applicable to the staff member or former staff member who has died.

5. The total amount of the orphan’s pension shall be divided equally among all the orphans.

**Article 25 – Rate of pension for other dependants**\(^\text{23}\)

1. Where a staff member or former staff member receiving a retirement or invalidity pension or entitled to a deferred pension dies, the persons (including children not fulfilling the conditions laid down in Article 24) recognised as satisfying the conditions for the granting of the child’s or dependant’s allowance, or supplement for dependent child or disabled and dependent parent,

\(^{22}\) Note: as corrected by Decision (CM/Del/Dec(2007)998/11.3b), adopted by the Committee of Ministers on 13 June 2007 at the 998th meeting of the Ministers’ Deputies.


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under the Staff Regulations and Rules of the Organisation shall be entitled to a dependant’s pension.

2. The pension paid to each dependant shall be equal to the lowest of the following amounts:

i) the amount, as recognised by the Organisation, of the support provided to that person by the staff member or former staff member at the time of his death;

ii) twice the amount of the dependant’s allowance or the supplement for disabled and dependent parent, under the rules applicable to the staff member or former staff member who has died, in force in the Organisation at the time of the death of the staff member or former staff member; or

iii) where an orphan’s pension is paid, the amount of each orphan’s share pursuant to Article 24, paragraph 5.

Article 26 – Commencement and cessation of entitlement

1. The pensions provided for under Articles 24 and 25 shall be payable from the first day of the month following that in which the staff member or former staff member died. If the salary of a staff member who died in service continues to be paid to a surviving spouse or former spouse, directly and in full, under the Staff Regulations and Rules of the Organisation, payment of the pensions shall be deferred accordingly.

2. The pensions under Articles 24 and 25 shall cease to be payable at the end of the month in which the child or other dependant ceases to satisfy the conditions for entitlement to the allowance for a dependent child or dependent person, or to the supplement for dependent child or disabled and dependent parent, under the Staff Rules and Regulations of the Organisation.

Article 27 – Beneficiaries of more than one category

1. Where a staff member or former staff member leaves a spouse or former spouse, on the one hand, and children or dependent persons, on the other, with entitlement to a pension, the total pension, calculated as if for a surviving spouse or former spouse, shall be apportioned among the various categories of persons concerned in proportion to the pensions which would have been payable to each category if treated separately.

2. Where there are children or dependent persons from different family groups, with entitlement to a pension, the total pension, calculated as though all were from the same family group, shall be apportioned among the various categories of beneficiaries in proportion to the pensions which would have been payable to each category if treated separately.

CHAPTER VI: FAMILY ALLOWANCES

Article 28 – General provisions for staff members appointed before 1 January 2017


1. Household allowance, children’s or dependants’ allowance, handicapped child allowance and education allowance, paid to the staff members of the Organisation as family allowances, are granted according to the modalities and conditions of entitlement provided for under the Staff Regulations and Rules and under the present Rules:

i) to the recipient of a retirement pension as from the age of 60;

ii) to the recipient of an invalidity pension;

iii) to the recipient of a survivor’s or reversion pension, in respect of the sole beneficiaries who were or would have been recognised as depending on the staff member or the former staff member if he had not died.

2. The double entitlement regulations apply to any allowance of a same nature, regardless of its name.

3.a. The household allowance shall be calculated by reference to the pension of the recipient.

b. Where the recipient of a survivor’s or reversion pension is a staff member of one of the Co-ordinated Organisations or is in receipt of a pension assessed by any of these organisations, only one household allowance shall be granted.

c. Where the spouse of a person entitled to a pension referred to in paragraph 1 is a staff member of one of the Co-ordinated Organisations or is in receipt of a pension assessed by any of these organisations, the household allowance shall only be paid to one of the spouses.

d. Where the spouse of the recipient of a pension referred to in paragraph 1 is entitled, under another scheme, to an allowance of a same nature than the household allowance, only the difference between the amount of the allowance under the present scheme and that of the allowance received by the spouse under the other scheme shall be paid to the recipient of the pension.

4. Where the recipient of a pension referred to in paragraph 1, or his household or the beneficiary concerned, is entitled to allowances referred to in paragraph 1 and also, under another scheme and for the same person, to a children's or dependants' allowance, or a handicapped child allowance of a same nature than those referred to in paragraph 1, the Organisation shall only pay the difference between the amount of the allowances granted under the present scheme and that of the allowances received under the other scheme.

5. The deduction of family allowances received under another scheme, referred to in Article 28, paragraphs 3 and 4, shall be automatic, save where the recipient produces evidence that the above-mentioned scheme makes a deduction of the amounts received under the present scheme.

6. The amount of the allowance for a child or other dependant payable to the recipient of a survivor’s or reversion pension shall be twice the normal amount.

7. Entitlement to the allowances provided for in this Article shall cease at the end of the month in which the conditions for entitlement to those allowances under the Staff Rules and Regulations of the Organisation are no longer satisfied.

Article 28bis – General provisions for staff members appointed on or after 1 January 2017

1. The supplements for dependent child, handicapped child, severely handicapped child and handicapped and dependent parent, and the education allowance, paid to the staff members of the Organisation as family allowances, are granted and adjusted according to the modalities and conditions of entitlement provided for under the Staff Regulations and Rules applicable to staff members and under the present Rules:

i) to the recipient of a retirement pension as from the age of 60;

ii) to the recipient of an invalidity pension;

iii) to the recipient of a survivor’s or reversion pension, in respect of the sole beneficiaries who were or would have been recognised as depending on the staff member or the former staff member if he had not died.
2. The double entitlement regulations apply to any allowance of a same nature, regardless of its name.

3. Where the recipient of a pension referred to in paragraph 1, or his household or the beneficiary concerned, is entitled to allowances referred to in paragraph 1 and also, under another scheme and for the same person, to supplements for dependent child, handicapped child, severely handicapped child and handicapped and dependent parent of a same nature than those referred to in paragraph 1, the Organisation shall only pay the difference between the amount of the allowances granted under the present scheme and that of the allowances received under the other scheme.

4. The deduction of family allowances received under another scheme, referred to in Article 28bis, paragraph 3, shall be automatic, save where the recipient produces evidence that the above-mentioned scheme makes a deduction of the amounts received under the present scheme.

5. The amount of the supplements for dependent child (with the exception of the additional supplement granted to single-parent families), handicapped child, severely handicapped child and handicapped and dependent parent payable to the recipient of a survivor’s or reversion pension shall be twice the normal amount.

6. Entitlement to the allowances provided for in this Article shall cease at the end of the month in which the conditions for entitlement to those allowances under the Staff Rules and Regulations of the Organisation are no longer satisfied.

CHAPTER VII: CEILING ON BENEFITS

Article 29 – Ceiling on benefits

1. Where a staff member dies, the total amount payable in respect of survivor’s, orphan’s and dependant’s pensions and of family allowances shall not exceed the maximum of the retirement pension referred to in Article 10, paragraphs 2 and 3, together with the family allowances to which the deceased staff member was entitled. In any event, this total shall not exceed the last salary received by the staff member together with the family allowances to which he was entitled.

2. Where a former staff member receiving a retirement pension dies, the total amount payable in respect of reversion, orphan’s and dependant’s pensions and of family allowances shall not exceed the amount of the pension and family allowances received by the former staff member.

3. Where a former staff member entitled to a deferred or invalidity pension dies, the total amount payable in respect of reversion, orphan’s and dependant’s pension and of family allowances shall not exceed the amount of the retirement pension and family allowances he would have received if he had reached the statutory age limit at the time of his death.

4. The amounts payable in respect of survivor’s, reversion, orphan’s and dependant’s pensions shall, where applicable, be reduced in proportion to the share of each beneficiary.

CHAPTER VIII: PROVISIONAL PENSIONS

Article 30 – Conditions of entitlement

1. Where a staff member, or former staff member entitled to a retirement or invalidity pension has been missing for more than one year in circumstances justifying a presumption of death, the persons entitled under him may provisionally be awarded a survivor’s, reversion, orphan’s or dependant’s pension, as appropriate.

2. The provisions of paragraph 1 above shall apply mutatis mutandis to persons recognised as dependants of a person in receipt of a survivor’s or reversion pension, who has been missing for more than one year.
3. Provisional pensions under paragraphs 1 and 2 above shall be converted into definitive pensions when the death of the staff member, former staff member, spouse or former spouse has been established officially or when that person has been declared missing by a final Court decision.

CHAPTER IX: DETERMINATION OF THE AMOUNTS OF BENEFITS

SECTION 1: ASSESSMENT OF ENTITLEMENT

Article 31 – Organisation responsible for the assessment

1. The assessment of the benefits payable under these Rules shall be made by the Organisation with the assistance of the International Service for Remunerations and Pensions.27

2. A detailed statement of the assessment shall be communicated to the staff member or the persons entitled under him after approval by the Organisation on the advice of the Pensions Administrative Committee of the Co-ordinated Organisations referred to in Article 43, paragraph 1.

Until this approval has been given, pensions shall be paid on a provisional basis.

Article 32 – No double entitlement28

1. Without prejudice to the application of Articles 4 and 5, the following may not be paid concurrently out of the budgets of one or more of the Co-ordinated Organisations:
   i) a retirement and an invalidity pension as provided for in these Rules or, in cases where Article 7, paragraph 2 is applied, under the Rules of the Defined Benefit Funded Pension Scheme;29
   ii) a retirement or invalidity pension and a loss-of-employment indemnity not paid as a lump sum.
   iii) two retirement pensions.30

2. Recipients of a retirement or invalidity pension under the present Rules may not be granted the status of staff member in the meaning of Article 1. The modalities for double entitlement to a retirement pension and any other remuneration paid by a Co-ordinated Organisation shall be defined by each Organisation.

3. Where they are due to the same cause, there can be no double entitlement to benefits under the present Rules and annuities under a scheme distinct from the Pension Scheme and financed by a Co-ordinated Organisation.

Article 33 – Basis of the calculation

1. Pensions provided for under the NPS shall be calculated at the time of their assessment by reference to the salary defined in Article 3 and to the scales applicable to the country of the staff member’s or former staff member’s last posting.

27 Note: before 1 January 2012: the Joint Pensions Administrative Section (JPAS).
29 Except for long term consultants of the ECMWF.
30 Except for long term consultants of the ECMWF.
2. However, if the former staff member settles subsequently:

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

   ii) in a Member State of the Organisation or of another Organisation of which his spouse is a national; or

   iii) in a country where he has served the Organisation or another Organisation for at least five years,

   he may opt for the scale applicable to the country in question. The option shall apply to only one of the countries referred to in this paragraph, and shall be irrevocable except where paragraph 3 below is applicable.

3. On the death of his spouse, a former staff member who settles in the country of which he is a national, or of which such deceased spouse was a national, may opt for the scale applicable in that country.

   The same option shall be open to the surviving spouse or former spouse of a former staff member and to orphans who have lost both parents.

4. These options, available under paragraphs 2 and 3, shall be irrevocable.

5. If the staff member, spouse, former spouse or orphan opts for the scale of a country referred to in paragraph 2, but there is no scale approved by the Organisation for that country, the scale applicable to the country in which the Organisation responsible for paying his pension has its headquarters shall be applied temporarily until a scale has been adopted for the country chosen.

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

7. The provisions of paragraph 2 above do not apply to the benefits under Article 11. However, a staff member who settles in a country of which he is a national may have the leaving allowance provided for in Article 11 calculated in accordance with the scale for that country, provided such a scale was approved by the Organisation at the time of his departure.

**Article 34 – Re-assessment – cancellation**

1. The benefits provided for under the NPS may be re-assessed at any time in the event of error or omission of any kind. Any undue payments must be reimbursed. They may be deducted from the benefits payable to the person concerned or to the persons entitled under him or from the amounts due to his estate. The reimbursement may be spread over a period.

2. Benefits shall be subject to modification or cancellation if their award was contrary to the provisions of these Rules.

**Article 35 – Requirement of evidence – forfeiture of rights**
1. Persons who are eligible for benefits under these Rules shall notify the Organisation or the International Service for Remunerations and Pensions of any facts which may affect their entitlement to benefits and to furnish such supporting evidence as may be required of them.

Should they fail to comply with these obligations, they may be deprived of the right to benefits under this Scheme; save in exceptional circumstances, they shall refund any sums received to which they were not entitled.

2. Where the surviving spouse, orphans or other dependants of a deceased staff member or former staff member fail to apply for their pension within twelve months from the date of his death, payment of the benefits under these Rules may, at the discretion of the Organisation, be postponed until the first day of the month following that in which they make their application.

3. Where a staff member’s or former staff member’s former spouse referred to in Article 22 fails to apply for her pension within twelve months from the date of his death, his rights may, at the discretion of the Organisation, be wholly forfeited.

SECTION 2: ADJUSTMENT OF PENSIONS

Article 36 – Adjustment of pensions

1. The Organisation shall adjust pensions, every year, in accordance with the revaluation coefficients based on the consumer price index for the country of the scale used to calculate each pension.

It shall also adjust them in the course of the year, for any given country, when prices in that country show an increase of at least 6%.

2. At regular intervals, the Secretary General shall establish a comparison of the difference between increases in salary and increases in pensions, and may, where appropriate, propose measures to reduce it.

3. Where a person receiving a pension dies, and reversion, orphan’s or dependant’s pensions are due, the following calculation shall be made:

   - pensions shall be calculated with reference to the scale in force at the date of the assessment of the entitlement of the deceased former staff member;
   - the amounts thus determined shall be updated, as from that date, by application of the pensions revaluation coefficients for the country in question.

4. Where a person receiving an invalidity pension not awarded under Article 14, paragraph 2 reaches the age limit laid down in the Staff Rules and Regulations, his invalidity pension shall be converted, in accordance with Article 17, paragraph 2, to a retirement pension calculated using the method referred to in paragraph 3 above.

5. Where the person receiving a pension exercises one of the options under Article 33, the following calculation shall be made:

   - the pension shall be recalculated with reference to the scale in force at the date of its assessment for the country selected;

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31 Note: before 1 January 2012: the Joint Pensions Administrative Section (JPAS).
32 Note: as amended by Decision (CM/Del/Dec(2011)1106/11.2E), adopted by the Committee of Ministers on 16 February 2011 at the 1106th meeting of the Ministers’ Deputies.
the amount thus determined shall be updated, as from that date, by application of the pensions revaluation coefficients for the country in question.

SECTION 3: PAYMENT OF BENEFITS

Article 37 – Mode of payment

1. Subject to the provisions of Article 11 and unless otherwise provided under these Rules, pensions, family allowances and provisions for tax adjustments shall be paid monthly in arrears.

2. These amounts shall be paid by the Organisation or by the International Service for Remunerations and Pensions if it has been empowered to do so.

3. Benefits shall be paid in the currency used in their calculation in accordance with Article 33.

4. Benefits shall be paid to the recipient by bank transfer to an account in the country whose scale was used for calculating these benefits, or in the country in which he resides.

Article 38 – Sums owed to the Organisation

Any sum owed by a staff member, former staff member or pensioner to the Organisation which pays the pension at the date when the benefits are payable under these Rules shall be deducted from the amount of these benefits or from the benefits payable to those entitled under him. The deduction may be spread over a period.

Article 39 – Right of subrogation

1. Where a staff member’s invalidity or death is attributable to a third party, the award of the benefits provided for in these Rules shall in principle be made subject to the beneficiary assigning to the Organisation his claims against such third party, up to the amount of such benefits.

2. However, the Organisation may waive its right to take action pursuant to such subrogation against the third party concerned where special circumstances justify such a waiver.

CHAPTER X: FINANCING THE PENSION SCHEME

Article 40 – Charge of budgets

1. Benefits paid under this Pension Scheme shall be charged to the budgets of the Organisation responsible for the assessment of these benefits pursuant to Article 31.

2. The Member States of the Organisation jointly guarantee the payment of the benefits.

3. In the event of a merger, reconstitution or other transformation or in the event of dissolution of the Organisation, the Council or any ad hoc body set up, where required in one of the aforementioned cases, shall take the necessary measures to ensure uninterrupted payment of the Pension Scheme benefits until the cessation of entitlement of the last beneficiary.

4. Should a country, being a Member or ex-Member of the Organisation, fail to comply with its obligations under this Article, the other countries shall meet the cost thereof in proportion to

Note: before 1 January 2012: the Joint Pensions Administrative Section (JPAS).
their contribution to the budget of the Organisation as fixed annually from and after the said country’s default.

**Article 41 – Staff member’s contribution – costing the scheme**

1. Staff members shall contribute to the NPS.

2. The staff members’ contribution shall be calculated as a percentage of their salaries and shall be deducted monthly.

3. The rate of the staff contribution shall be set so as to represent the cost, in the long term, of 40% of the benefits provided under these Rules. The rate shall be 11.8%. The staff contribution rate shall be adjusted, with effect from the fifth anniversary of the preceding adjustment, the rate being rounded to the nearest first decimal.

4. Contributions properly deducted shall not be recoverable. Contributions improperly deducted shall confer no rights to pension benefits; they shall be refunded at the request of the staff member concerned or those entitled under him without interest.

**CHAPTER XI: PROVISIONS RELATING TO ADJUSTMENT OF PENSIONS**

**Article 42 – Pensions which are subject to national tax legislation**

1. The recipient of a pension under these Rules shall be entitled to the adjustment applying to the Member State of the Organisation in which the pension and adjustment relating thereto are chargeable to income tax under the tax legislation in force in that country.

2. The adjustment shall equal 50% of the amount by which the recipient’s pension would theoretically need to be increased, were the balance remaining after deduction of the amount of national income tax or taxes on the total to correspond to the amount of the pension calculated in accordance with these Rules.

For such purpose, there shall be drawn up, for each Member State, in accordance with the Implementing Instructions referred to in paragraph 6, tables of equivalence specifying, for each amount of pension, the amount of the adjustment to be added thereto. The said tables shall determine the rights of the recipients.

3. In calculating the theoretical amount of income tax or taxes referred to in paragraph 2 of this Article, account shall be taken only of the provisions of tax legislation and regulations affecting the basis of liability and the amount of income tax or taxes for all pensioner-taxpayers in the country concerned.

4. Pensioners without spouse or dependants shall be deemed to be in the position of a pensioner without entitlement to any tax reliefs or allowances for family responsibilities, all other

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34 Note: as amended by Decision (CM/Del/Dec(2001)1071/11.4a,b), adopted by the Committee of Ministers on 25 November 2009 at the 1071st meeting of the Ministers’ Deputies, with effect from 1 January 2010, and by Decision (CM/Del/Dec(2019)1361/11.4), adopted by the Committee of Ministers on 21 November 2019 with effect from 1 January 2020.

35 Note: as amended by Decision (CM/Del/Dec(2005)915/11.3), adopted by the Committee of Ministers on 9 February 2005 at the 915th meeting of the Ministers’ Deputies, with effect from 1 January 2005. See also Appendix to Article 41 – Actuarial studies, adopted by the Committee of Ministers on the same occasion.

36 Note: added by Decision (CM/Del/Dec(2009)1071/11.4a,b), adopted by the Committee of Ministers on 25 November 2009 at the 1071st meeting of the Ministers’ Deputies.
recipients being deemed to be pensioners enjoying the tax reliefs and allowances of a person who is married without children.

No account shall be taken:

- of individual factors related to the personal circumstances or private means of a particular pensioner,
- of income other than that arising under these Rules,
- of the income of the spouse or dependants of the pensioner.

On the other hand, account shall, in particular, be taken of circumstances arising in the course of the year as a result of:

- a change in civil status or settlement in another place of residence with a different taxation system,
- commencement or cessation of payment of the pension.

5. The Organisation shall supply the Member States concerned with the names, forenames and full address of pensioners and the total amount of the pension and adjustment.

6. The recipient of an adjustment as specified in this Article shall be required to inform the Organisation of his full address and of any subsequent change therein.

Such recipient shall produce evidence of his pension and the relative adjustment having been declared or taxed; should he fail to comply with this obligation, he shall be deprived of the right to this adjustment and shall refund any amounts unduly received in this respect.

7. The other procedures for calculating the adjustment and, in particular, those necessitated by the special features of certain national tax laws, and the procedure for payment of the adjustment shall be laid down in the Implementing Instructions established in accordance with the tax legislation of Member States.

**CHAPTER XII: FINAL PROVISIONS**

**Article 43 – Pensions Administrative Committee of the Co-ordinated Organisations**

The Pensions Administrative Committee of the co-ordinated organisations, created by the Standing Committee of Secretaries-General, shall give technical opinions and, where necessary, ensure appropriate co-ordination between the Organisation and the other Organisations.

**Article 44 – Detailed implementation**

Instructions for the implementation of these Rules shall be drawn up by the Secretary General of the Organisation after an opinion of the Pensions Administrative Committee of the co-ordinated organisations.

**Article 45 – Entry into force**

These Rules shall enter into force on 1 January 2003.
Appendix to Article 41 - actuarial studies of the New Pension Scheme "NPS"\(^{37}\)

Method

1. Calculation, as at the effective date of the study, for all the Co-ordinated Organisations which have adopted the NPS, of the rate of contribution payable by staff in order to finance 40% of benefits provided under the Scheme, establishing the present value of future entitlements and salaries.

2. Projections of annual amounts of future entitlements will be calculated, on the one hand, for staff affiliated at the date of the study to the NPS and to any other scheme implemented after the establishment of the NPS and, on the other hand, for the population of staff who will be recruited in the years to come.\(^{38}\)

3. Combining these results will make it possible to determine the rate of contribution needed to finance 40% of benefits provided under the Scheme.

Demographic and salary-related assumptions

4. The demographic assumptions are derived from detailed demographic studies for each of the Co-ordinated Organisations which have adopted the NPS. These studies examine past experience over a period of 15 years, where the information is available, and also take account of available forecasts regarding future staff numbers.

5. The assumptions relating to salaries are based on detailed observation of the past, over a period of 15 years, where the information is available, and also take account of practices and forecasts available in this field.

6. The rates obtained are adjusted so as to eliminate distortions resulting from insufficient data in certain organisations.

Economic assumptions

7. The discounting process is based on observed rates of return on long-term government bonds issued in the reference countries, as from the date when they become a reference country.

8. A discount rate net of inflation shall be used. It shall be equal to the arithmetical average of average real rates observed over the thirty years preceding the date when the actuarial study is conducted.

9. The average real rate for a given past year is obtained from the real rates in each country, calculated as the quotient of the rate of gross return on bonds by the corresponding rate of inflation, as shown by the national consumer price index.\(^{39}\)


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2 Due to the technical complexity of this text, the provisions of Instruction No. 33 of 1 June 1994 concerning the use of non-sexist language at the Council of Europe have not been strictly applied. It is understood that all references to the masculine include the feminine and vice-versa.
**CHAPTER I: GENERAL PROVISIONS**

**Article 1 – Scope**

1. The pension scheme established by these Rules, hereinafter referred to as the Third Pension Scheme (TPS), applies to staff members who:

   - took up duty on or after the 1st April 2013;

   - have never contributed to either the Pension Scheme of the Co-ordinated Organisations set up by the adoption of the 94th Report of the Co-ordinating Committee of Government Budget Experts (CCG) by the governing bodies of these Organisations, as amended by the 132nd Report of the Co-ordinating Committee on Remuneration (CCR), or the New Pension Scheme (NPS); and

   - are appointed for an indefinite duration or fixed-term in accordance with the conditions laid down in the Staff Regulations.

2. A staff member who, during his last appointment with a Co-ordinated Organisation, benefited from the provisions of Article 11 of either the scheme set up by the adoption of the 94th Report of the CCG, as amended by the 132nd Report of the CCR, or the NPS, and who has not repaid the amounts provided for under that Article, shall be deemed to have relinquished entitlement to benefit from the scheme to which he was previously affiliated and shall irrevocably be affiliated to the TPS.

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

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

**Article 2 – Deferred entitlement**

Where the medical examination which every staff member has to undergo as part of the appointment process (and the consequences of which will have duly been expounded to him before his appointment) shows him to be suffering from an illness or disablement, the Organisation may decide that, as regards risks arising from an illness or disablement existing before he took up his duties, the said staff member shall not be entitled to the invalidity or death benefits provided for in these Rules until the expiry of a period not exceeding five years from the date of his appointment.

**Article 3 – Definition of salary**
Unless otherwise specified, for the purposes of these Rules, salary shall be the monthly basic salary of the staff member, according to the scales in force in the Organisation at the time when the pension is assessed, and updated in accordance with the provisions of Article 36.

Article 4 – Definition of service conferring entitlement to benefits

1. Subject to the provisions of Articles 5 and 41, paragraph 1, entitlement to benefit under these Rules shall be determined by the total of the periods actually served in the Organisation:
   i. as a staff member;
   ii. in any other capacity prior to appointment as a staff member, provided any periods so served were not separated by breaks of more than one year.

2. In addition to the total reckonable years of service thus calculated, a staff member may request, on cessation of work, that those corresponding to certain statutory allowances be taken into account, in particular payment in lieu of notice, for loss of employment, and for leave not taken, under the provisions laid down by Instruction.

3. Periods of part-time service shall be taken into consideration in calculating entitlement to benefit under these Rules provided they correspond to at least half-time work as defined by the provisions laid down by Instruction.

4. The periods referred to in Article 16, paragraph 3, shall also be taken into consideration.

Article 5 – Calculation of service conferring entitlement to benefits

1. Where a staff member appointed by the Organisation has previously served with the Organisation, his entitlement to benefits under the terms of Article 4 shall be conditional upon his paying over to the Organisation which re-appointed him the amounts paid to him on leaving his previous service pursuant to Article 11 plus compound interest on such amounts at 4% per annum from the date when the staff member received them until the date they are paid over in accordance with this paragraph. Should the staff member fail to pay over the amounts in question, reckonable service shall count only as from the new appointment.

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

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

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

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3 Unless otherwise specified, the term “provisions laid down by Instruction” refers, throughout these Rules, to the implementation provisions in Article 43.

4 Note: as amended by Decision (CM/Del/Dec(2016)1256/11.1), adopted by the Committee of Ministers on 11 May 2016 at the 1256th meeting of the Ministers’ Deputies.
3. Where a staff member ceases his functions at a grade and step lower than that which he had previously held in the Organisation, his entitlement to benefits under these Rules shall be determined by taking into account the total of his reckonable years of service and the benefits shall be calculated on the basis of the salary for the highest grading held by him. However, a reduction shall be made in the number of years of service to be credited to him in respect of time served at a lower grade and step after having held the grade by reference to which benefits are calculated; this reduction shall be proportionate to the difference between the said gradings.

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

5. The crediting of the periods referred to in Article 4, paragraph 1 ii), shall be conditional on:
   i. the staff member submitting an application to that effect within six months following the confirmation of his appointment as a staff member; the application shall specify the periods of service with which the staff member wishes to be credited;
   ii. the Organisation giving its agreement, subject in particular to the staff member reimbursing the employer's contributions paid by the Organisation to the pension schemes to which the staff member had been affiliated, for each month of service with which he is to be credited;
   iii. the staff member paying, for each month of service with which he is to be credited, the contribution provided for in Article 41, calculated on the basis of his first monthly salary at the time of affiliation to the scheme.

**Article 6 – Reckonable years of service**

1. The benefits provided for under these Rules shall be calculated by reference to reckonable years of service consisting of:
   i. service calculated in accordance with the provisions of Articles 4 and 5;
   ii. service credited in accordance with Article 12, paragraph 1.

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

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

3. In the case of part-time work:
   i. reckonable years of service shall be calculated in accordance with the ratio between the working hours corresponding to part-time service and the official number of hours for full-time work in the Organisation;
   ii. however, reckonable years of service shall not be reduced when the staff member authorised to work part-time has contributed to the TPS on the basis of full-time work, by paying, in addition to his personal contribution to the TPS for the part corresponding to his part-time work, a contribution equal to 2.22 times the rate of contribution mentioned in Article 41, paragraph 3, on the difference in salary between his part-time work and the corresponding full-time work, under the provisions laid down by Instruction.

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

1. If, when a staff member’s service ends, he is working part time, the amount of the benefit due shall be calculated with reference to the full salary for the grade and step to be used as a basis under the provisions of these Rules.
2. However, when a staff member terminating his service in the circumstances described in paragraph 1 above had been recruited to serve on a part-time basis, or authorised to work part-time for an indefinite period or for a fixed term renewable by tacit agreement and if the provisions of Article 6, paragraph 3 ii), are not applied, the rate of the invalidity pension provided for in Article 14, paragraph 2, and the minimum and maximum amounts that apply, shall be set in accordance with the provisions laid down by Instruction.

CHAPTER II: RETIREMENT PENSION AND LEAVING ALLOWANCE

SECTION 1: RETIREMENT PENSION

Article 7 – Conditions of entitlement

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

2. For the implementation of the condition of length of service referred to in paragraph 1 above, periods of service in respect of which contributions to the Defined Benefit Funded Pension Scheme of the European Centre for Medium-Range Weather Forecasts (ECMWF) have been paid and for which the staff member has benefited from an inward transfer of pension rights, under the provisions laid down in Article 12, paragraph 1, and its implementing Instructions, shall also be taken into account.

Article 8 – Age of entitlement, deferred or early pension

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

2. Should there be a difference between the pensionable age and the statutory age limit, pension rights shall continue to accrue to a staff member continuing to be employed after pensionable age but his pension shall not exceed the maximum amount laid down in Article 10, paragraph 2. In case of a staff member’s employment beyond the statutory age limit his situation with regard to the accrual of pension rights shall be governed by the provisions governing this type of employment.

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

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

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

The minimum age for entitlement to an early pension shall be 55 years for staff members appointed between 1st April 2013 and 31st December 2015 inclusive; 56 years for staff members appointed between 1st January 2016 and 31st December 2018 inclusive; 57 years for staff members appointed between 1st January 2019 and 31st December 2021 inclusive; 58 years for staff members appointed between 1st January 2022 and 31st December 2024 inclusive; 59 years for staff members appointed between 1st January 2025 and 31st December 2027 inclusive; and 60 years for staff members appointed as from 1st January 2028.

5. Where the Organisation terminates the appointment of a staff member, the reduction coefficient applicable to early payment of his pension shall be 3% a year between the age of 60 and the pensionable age. However, this provision does not apply when the Organisation terminated the appointment as a result of disciplinary action or for unsatisfactory service.
Article 9 – Commencement and cessation of entitlement

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

2. Entitlement shall cease at the end of the month in which the pensioner dies.

Article 10 – Rate of pension

1. The amount of the retirement pension shall be, per reckonable year of service within the meaning of Article 6, 1.75% of the salary corresponding to the last grade held by the staff member for not less than two years before cessation of his appointment and the last step held in that grade.

2. The maximum rate of the pension shall be 70% of this salary, subject to the provisions of paragraph 3 below.

3. The amount of the retirement pension shall not be less than 1.75% of the salary for grade B3, step 1, per reckonable year of service credited pursuant to Article 6; it may not, however, exceed the staff member’s last salary as defined in Article 3.

SECTION 2: LEAVING ALLOWANCE

Article 11 – Leaving allowance

1. A staff member whose service ceases otherwise than by reason of death or invalidity and who is not entitled to a retirement pension nor to the benefit of the provisions of Article 12, paragraph 2, shall be entitled on leaving to payment of an amount equal to 2 times his rate of contribution as applied to his last annual salary, multiplied by the number of reckonable years of service credited within the meaning of Article 6, paragraph 1 i).

2. The reckonable years of service credited in accordance with Article 12, paragraph 1, shall not be taken into account for the calculation of the leaving allowance but shall give rise to the payment of an actuarial equivalent calculated in accordance with Article 12, paragraph 2, unless the amounts initially transferred are refunded to the previous employer.

3. A staff member who is re-appointed by the Organisation after having received a leaving allowance must pay it back if the period during which he was not employed by the Organisation, in whatever capacity, is less than 12 months.

SECTION 3: INWARD AND OUTWARD TRANSFER OF PENSION RIGHTS

Article 12 – Inward and outward transfer of pension rights

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

In such cases, the Organisation shall determine, by reference to the provisions laid down by Instruction, the number of years of reckonable service with which he shall be credited under the present scheme.
2. A staff member who leaves the service of the Organisation to enter the service of a government administration or national organisation, or international organisation, which has entered into an agreement with the Organisation, shall be entitled to transfer to the pension fund of that administration or organisation:

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

CHAPTER III: INVALIDITY PENSION

Article 13 – Conditions of entitlement – Invalidity Board

1. Subject to the provisions of Article 2, an invalidity pension shall be payable to a staff member who is under the age limit laid down in the Staff Regulations and who, at any time during the period in which pension rights are accruing to him, is recognised by the Invalidity Board defined below to be suffering from permanent invalidity which totally prevents him from performing his job or any duties corresponding to his experience and qualifications which may have been proposed to him by the Organisation.

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

Article 14 – Rate of pension

1. Subject to the provisions of Article 5, paragraph 3, the invalidity pension shall be equal to the retirement pension to which the staff member would have been entitled at the age limit laid down in the Staff Regulations if he had continued to serve until that age, the requirement for a minimum of ten years' service under Article 7 not being applicable.

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

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

4. The invalidity pension shall not be less than 100% of the salary for grade C1, step 1. The invalidity pension may not be more than the last salary. Salaries are those which appear in the scales in force at the date laid down in Article 17, paragraph 1, subject to any adjustments provided for under Article 36.

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

Article 15 – Concurrent earnings

1. Where a person in receipt of an invalidity pension is nevertheless gainfully employed, this pension shall be reduced by the amount by which his pension together with the remuneration he receives for the said employment exceeds the salary for the highest step in the grade he held at the time of his being recognised an invalid.
2. This reduction shall apply only up to the age limit laid down in the Staff Regulations.

**Article 16 – Medical examination – Termination of pension**

1. While a person receiving an invalidity pension is still under the age limit laid down in the Staff Regulations, the Organisation may have him medically examined periodically to ascertain that he still satisfies the conditions for entitlement to such pension, in particular having regard to any new duties corresponding to his experience and qualifications which may have been proposed to him by the Organisation.

2. When a person receiving an invalidity pension who has not reached the said age limit ceases to satisfy the conditions for entitlement to the invalidity pension, the Organisation shall terminate that pension.

3. The time during which the person concerned has received his invalidity pension shall then be reckoned, without payment of back contributions, for the calculation of the leaving allowance or retirement pension, as the case may be.

**Article 17 – Commencement and cessation of entitlement**

1. Entitlement to an invalidity pension shall commence on the first day of the month following the date of the beginning of the invalidity as recognised by the Invalidity Board.

2. Subject to application of Article 16, paragraph 2:
   i. the invalidity pension payable under Article 14, paragraph 2, shall be paid for life;
   ii. in other cases, entitlement to an invalidity pension shall terminate:
      - either at the age limit laid down in the Staff Regulations
      - or at the end of the month in which the recipient of such a pension dies.

Where the invalidity pension terminates because the person concerned has reached the age limit laid down in the Staff Regulations, he shall, notwithstanding the ten-year minimum requirement provided for in Article 7, be entitled to a retirement pension calculated as follows:

- reckonable years of service shall be calculated as if he had remained in service until the age limit laid down in the Staff Regulations;

- the reference salary shall be that of his grade and step at the time of his being recognised an invalid, updated in accordance with Article 36.

**CHAPTER IV: SURVIVOR'S AND REVERSION PENSIONS**

**Article 18 – Conditions of entitlement**

1. The surviving spouse\(^5\) of a staff member who died in service shall be entitled to a survivor's pension, provided they had been married to each other for at least one year at the time of the staff member's death, unless the death resulted either from disablement or illness contracted in the performance of his duties, or from an accident.

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\(^5\) Wherever it occurs in these Rules, the expression "surviving spouse" applies indifferently to the wife or husband of the deceased staff member.
2. A reversion pension shall be payable to the surviving spouse:
   
i. of a former staff member drawing an invalidity pension, if they were married to each other for at least one year at the time of his being recognised an invalid; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of the former staff member’s death, or if the death resulted either from disablement or illness contracted in the performance of his duties, or from an accident;
   
   ii. of a former staff member drawing a retirement pension, if they had been married to each other for at least one year at the time when the former staff member’s appointment ceased; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of the former staff member’s death; or
   
   iii. of a former staff member entitled to a deferred pension, if they had been married to each other for at least one year at the time when the former staff member’s appointment ceased; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of his death.

3. The above-prescribed conditions of anteriority or minimum duration of marriage shall not apply where there are one or more children of the marriage or of a marriage of the staff member contracted prior to the cessation of his appointment, inasmuch as the non-remarried surviving spouse is providing for their needs; in such case, the survivor’s or reversion pension shall be payable, under the present paragraph, for so long as the children are actually being so provided for.

When they are no longer being so provided for, the survivor’s or reversion pension shall nonetheless continue to be payable for so long as the surviving spouse does not have an income of his own from the exercise of any occupation, or from any retirement pension or other survivor’s or reversion pension, equal to at least the amount of the survivor’s or reversion pension from the Organisation.

4. Entitlement to a survivor’s or reversion pension shall be subject to the provisions of Article 2.

**Article 19 – Rate of pension**

1. The survivor’s pension shall be 60% of the retirement pension that would have been payable to the staff member, had he not died in service, on the basis of his reckonable years of service credited up to the time of his death, the requirement for a minimum of ten years of service under the provisions of Article 7 not being applicable.

2. Where a staff member has died as the result of an accident in the course of the performance of his duties, from an occupational disease, from a public-spirited act or from risking his life to save another human being, the survivor’s pension shall be 60% of the invalidity pension to which the staff member would have been entitled, had he survived, under Article 14, paragraph 2.

3. The survivor’s pension shall not be less than 30% of the staff member’s last salary; nor shall it be less than 100% of the salary for grade C1, step 1.

4. When the former staff member was receiving a pension at the time of his death, the amount of the reversion pension shall correspond to the highest of the following amounts:
   
   - 60% of the retirement or invalidity pension to which the former staff member was entitled at the time of the assessment of his pension, no account being taken of any reductions resulting from the application of Article 8, paragraph 4, or Article 15;
   
   - 30% of the former staff member’s last salary at the time of the assessment of his pension; or
- 100% of the salary for grade C1, step 1, under the scale in force at the time of the assessment of his pension.

These amounts shall be updated in accordance with the provisions of Article 36.

5. When the former staff member was not receiving a pension at the time of his death, the amount of the reversion pension shall correspond to the highest of the following amounts:

- 60% of the retirement pension to which the former staff member would have been entitled had he reached the pensionable age at the time of his death;
- 30% of the former staff member's last salary corresponding to his last grade and step, under the scale in force at the time of his death; or
- 100% of the salary for grade C1, step 1, under the scale in force at the time of the former staff member's death.

6. The amount of the reversion pension shall not exceed that of the pension received by the former staff member or, in cases provided for under paragraphs 4 and 5 above, the amount of the pension to which the former staff member would have been entitled had he reached, respectively, the statutory age limit or the pensionable age at the time of his death.

**Article 20 – Reduction for difference in age**

Where the difference in age between the deceased staff member or former staff member and his younger surviving spouse and/or former spouse, minus the length of time they have been married, is more than ten years, the survivor's or reversion pension, calculated in accordance with the preceding provisions, shall be subject to a reduction, per year of difference, amounting to:

- 1% for the years between ten and twenty;
- 2% for the years twenty up to but not including twenty-five;
- 3% for the years twenty-five up to but not including thirty;
- 4% for the years thirty up to but not including thirty-five;
- 5% for the years from thirty-five upwards.

**Article 21 - Remarriage**

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

**Article 22 – Rights of a former spouse**

1. The non-remarried former spouse of a staff member or former staff member shall, on the latter's death, be entitled to a survivor's or reversion pension, provided that and for as long as the staff member or former staff member was, at the time of his death and by virtue of a court decision which has become final and binding, under an obligation to pay maintenance or compensation to the former spouse, in a personal capacity, but the survivor's or reversion pension shall not exceed the amount of such payment.

2. Where a staff member or former staff member dies leaving both a spouse entitled to a survivor's or reversion pension and a non-remarried former spouse fulfilling the conditions laid down in paragraph 1 above, the whole of the survivor's or reversion pension shall be divided between the before-mentioned persons in proportion to the duration of their marriages.

The amount to which a non-remarried former spouse is entitled shall however not be more than the amount of the maintenance or compensation payable at the time of the death of the staff member or former staff member.
3. Where one of the persons entitled to a survivor's or reversion pension renounces his share, ceases to satisfy the conditions for entitlement or forfeits his rights under Article 35, or where the amount of his pension has been restricted under the terms of the second sub-paragraph of paragraph 2 above, his share shall accrue to the share of the other person, except where pension rights revert to orphans, as provided under the last sub-paragraph of Article 24, paragraph 3. In such a case, the restriction laid down in the second sub-paragraph of paragraph 2 above shall apply.

4. Reductions in respect of difference in age as provided for in Article 20 shall be applied separately to survivors' and reversion pensions calculated in accordance with the present Article.

Article 23 – Commencement and cessation of entitlement

1. Entitlement to a survivor's or reversion pension shall commence from the first day of the month following that in which the staff member or former staff member died. If the salary of a staff member who died in service continues to be paid to a surviving spouse or former spouse, directly and in full, under the Staff Regulations and Rules of the Organisation, payment of the pension of the person concerned shall be deferred accordingly.

2. Entitlement to a survivor's or reversion pension shall cease at the end of the month in which the recipient of the pension dies or ceases to satisfy the conditions for entitlement to that pension.

CHAPTER V: ORPHAN’S OR DEPENDANT’S PENSION

Article 24 – Rate of orphan’s pension\(^6\)

1. Where a staff member or former staff member receiving a retirement or invalidity pension or entitled to a deferred pension dies, his children shall be entitled to an orphan’s pension if they fulfil the conditions laid down in paragraph 2.

2. The legitimate, natural or adopted children of a staff member or former staff member who has died shall be entitled to an orphan’s pension:
   i. when the deceased or his household provided their main and continuing support at the time of death; and
   ii. when they satisfy the conditions of age, education or handicap required for the granting of the child’s allowance or the supplement for dependent child, under the rules applicable to the staff member or former staff member who has died.

   The legitimate or natural children of a deceased staff member or former staff member who were born not more than 300 days after his death shall also be entitled to an orphan’s pension.

3. Where there are one or more persons entitled to a survivor’s or reversion pension, the amount of the orphan’s pension shall correspond to the higher of the following amounts:
   i. 40% of the survivor’s or reversion pension, no account being taken of reductions pursuant to Article 20; or
   ii. 50% of the salary for grade C1, step 1, according to the scale in force when the former staff member’s pension was assessed, this amount being updated in accordance

with the provisions of Article 36, or, if he was not receiving a retirement or invalidity pension, according to the scale in force at the time of death.

The orphan’s pension shall be increased, in respect of the second and every further beneficiary, by an amount equal to the allowance for a dependent child or to the supplement for dependent child, under the rules applicable to the staff member or former staff member who has died.

The orphan’s pension shall be brought up to the level provided for in paragraph 4 in the event of the beneficiaries of a survivor’s or reversion pension dying or remarrying or losing their right to that pension.

4. Where there are no beneficiaries of a survivor’s or reversion pension, the orphan’s pension shall correspond to the higher of the following amounts:

i. 80% of the survivor’s or reversion pension, no account being taken of reductions pursuant to Article 20; or

ii. 100% of the salary for grade C1, step 1, according to the scale in force when the former staff member’s pension was assessed, this amount being updated in accordance with the provisions of Article 36, or, if he was not receiving a retirement or invalidity pension, according to the scale in force at the time of death.

The orphan’s pension shall be increased, in respect of the second and every further beneficiary, by an amount equal to twice the allowance for a dependent child or the supplement for dependent child, under the rules applicable to the staff member or former staff member who has died.

5. The total amount of the orphan’s pension shall be divided equally among all the orphans.

**Article 25 – Rate of pension for other dependants**

1. Where a staff member or former staff member receiving a retirement or invalidity pension or entitled to a deferred pension dies, the persons (including children not fulfilling the conditions laid down in Article 24) recognised as satisfying the conditions for the granting of the child’s or dependant’s allowance, or supplement for dependent child or disabled and dependent parent, under the Staff Regulations and Rules of the Organisation shall be entitled to a dependant’s pension.

2. The pension paid to each dependant shall be equal to the lowest of the following amounts:

i. the amount, as recognised by the Organisation, of the support provided to that person by the staff member or former staff member at the time of his death;

ii. twice the amount of the dependant’s allowance or the supplement for disabled and dependent parent, under the rules applicable to the staff member who has died, in force in the Organisation at the time of the death of the staff member or former staff member; or

iii. where an orphan’s pension is paid, the amount of each orphan’s share pursuant to Article 24, paragraph 5.

**Article 26 – Commencement and cessation of entitlement**

1. The pensions provided for under Articles 24 and 25 shall be payable from the first day of the month following that in which the staff member or former staff member died. If the salary of a staff member who died in service continues to be paid to a surviving spouse or former spouse,
directly and in full, under the Staff Regulations and Rules of the Organisation, payment of the pensions shall be deferred accordingly.

2. The pensions under Articles 24 and 25 shall cease to be payable at the end of the month in which the child or other dependant ceases to satisfy the conditions for entitlement to the allowance for a dependent child or dependent person, or to the supplement for dependent child or disabled and dependent parent, under the Staff Rules and Regulations of the Organisation.

**Article 27 – Beneficiaries or more than one category**

1. Where a staff member or former staff member leaves a spouse or former spouse, on the one hand, and children or dependent persons, on the other, with entitlement to a pension, the total pension, calculated as if for a surviving spouse having all these persons dependent on him, shall be apportioned among the various categories of persons concerned in proportion to the pensions which would have been payable to each category if treated separately.

2. Where there are children or dependent persons from different family groups, with entitlement to a pension, the total pension, calculated as though all were from the same family group, shall be apportioned among the various categories of beneficiaries in proportion to the pensions which would have been payable to each category if treated separately.

**CHAPTER VI: FAMILY ALLOWANCES**

**Article 28 – General provisions for staff members appointed before 1 January 2017**

1. Household allowance, children’s or dependants’ allowance, handicapped child allowance and education allowance, paid to the staff members of the Organisation as family allowances, are granted and adjusted according to the modalities and conditions of entitlement provided for under the Staff Regulations and Rules and under the present Rules:

   i. to the recipient of a retirement pension as from the age of 60;

   ii. to the recipient of an invalidity pension;

   iii. to the recipient of a survivor’s or reversion pension, in respect of the sole beneficiaries who were or would have been recognised as depending on the staff member or the former staff member if he had not died.

2. The double entitlement regulations apply to any allowance of a same nature, regardless of its name.

3.a. The household allowance shall be calculated by reference to the pension of the recipient.

b. Where the recipient of a survivor’s or reversion pension is a staff member of one of the Co-ordinated Organisations or is in receipt of a pension assessed by any of these organisations, only one household allowance shall be granted.

c. Where the spouse of a person entitled to a pension referred to in paragraph 1 is a staff member of one of the Co-ordinated Organisations or is in receipt of a pension assessed by any of these organisations, the household allowance shall only be paid to one of the spouses.

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d. Where the spouse of the recipient of a pension referred to in paragraph 1 is entitled, under another scheme, to an allowance of a same nature than the household allowance, only the difference between the amount of the allowance under the present scheme and that of the allowance received by the spouse under the other scheme shall be paid to the recipient of the pension.

4. Where the recipient of a pension referred to in paragraph 1, or his household or the beneficiary concerned, is entitled to allowances referred to in paragraph 1 and also, under another scheme and for the same person, to a children's or dependants' allowance, or a handicapped child allowance of a same nature than those referred to in paragraph 1, the Organisation shall only pay the difference between the amount of the allowances granted under the present scheme and that of the allowances received under the other scheme.

5. The deduction of family allowances received under another scheme, referred to in Article 28, paragraphs 3 and 4, shall be automatic, save where the recipient produces evidence that the above-mentioned scheme makes a deduction of the amounts received under the present scheme.

6. The amount of the allowance for a child or other dependant payable to the recipient of a survivor's or reversion pension shall be twice the normal amount.

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

8. Entitlement to the allowances provided for in this Article shall cease at the end of the month in which the conditions for entitlement to those allowances under the Staff Rules and Regulations of the Organisation are no longer satisfied.

Article 28bis – General provisions for staff members appointed on or after 1 January 2017

1. The supplements for dependent child, handicapped child, severely handicapped child and handicapped and dependent parent, and the education allowance, paid to the staff members of the Organisation as family allowances, are granted and adjusted according to the modalities and conditions of entitlement provided for under the Staff Regulations and Rules applicable to staff members and under the present Rules:

   i) to the recipient of a retirement pension as from the age of 60;
   
   ii) to the recipient of an invalidity pension;

   iii) to the recipient of a survivor's or reversion pension, in respect of the sole beneficiaries who were or would have been recognised as depending on the staff member or the former staff member if he had not died.

2. The double entitlement regulations apply to any allowance of a same nature, regardless of its name.

3. Where the recipient of a pension referred to in paragraph 1, or his household or the beneficiary concerned, is entitled to allowances referred to in paragraph 1 and also, under another scheme and for the same person, to supplements for dependent child, handicapped child, severely handicapped child and handicapped and dependent parent of a same nature than those referred to

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in paragraph 1, the Organisation shall only pay the difference between the amount of the allowances granted under the present scheme and that of the allowances received under the other scheme.

4. The deduction of family allowances received under another scheme, referred to in Article 28bis, paragraph 3, shall be automatic, save where the recipient produces evidence that the above-mentioned scheme makes a deduction of the amounts received under the present scheme.

5. The amount of the supplements for dependent child (with the exception of the additional supplement granted to single-parent families), handicapped child, severely handicapped child and handicapped and dependent parent payable to the recipient of a survivor’s or reversion pension shall be twice the normal amount.

6. Entitlement to the allowances provided for in this Article shall cease at the end of the month in which the conditions for entitlement to those allowances under the Staff Rules and Regulations of the Organisation are no longer satisfied.

CHAPTER VII: CEILING ON BENEFITS

Article 29 – Ceiling on benefits

1. Where a staff member dies, the total amount payable in respect of survivor’s, orphan’s and dependant’s pensions and of family allowances shall not exceed the maximum of the retirement pension referred to in Article 10, paragraphs 2 and 3, together with the family allowances to which the deceased staff member was entitled. In any event, this total shall not exceed the last salary received by the staff member together with the family allowances to which he was entitled.

2. Where a former staff member receiving a retirement pension dies, the total amount payable in respect of reversion, orphan’s and dependant’s pensions and of family allowances shall not exceed the amount of the pension and family allowances received by the former staff member.

3. Where a former staff member entitled to a deferred or invalidity pension dies, the total amount payable in respect of reversion, orphan’s and dependant’s pension and of family allowances shall not exceed the amount of the retirement pension and family allowances he would have received if he had reached the statutory age limit at the time of his death.

4. The amounts payable in respect of survivor’s, reversion, orphan’s and dependant’s pensions shall, where applicable, be reduced in proportion to the share of each beneficiary.

CHAPTER VIII: PROVISIONAL PENSIONS

Article 30 – Conditions of entitlement

1. Where a staff member, or former staff member entitled to a retirement or invalidity pension has been missing for more than one year in circumstances justifying a presumption of death, the persons entitled under him may provisionally be awarded a survivor’s, reversion, orphan’s or dependant’s pension, as appropriate.

2. The provisions of paragraph 1 above shall apply mutatis mutandis to persons recognised as dependants of a person in receipt of a survivor’s or reversion pension, who has been missing for more than one year.

3. Provisional pensions under paragraphs 1 and 2 above shall be converted into definitive pensions when the death of the staff member, former staff member, spouse or former spouse has been established officially or when that person has been declared missing by a final Court decision.

CHAPTER IX: DETERMINATION OF THE AMOUNTS OF BENEFITS

SECTION 1: ASSESSMENT OF ENTITLEMENT
**Article 31 – Organisation responsible for the assessment**

1. The assessment of the benefits payable under these Rules shall be made by the Organisation with the assistance of the International Service for Remunerations and Pensions.

2. A detailed statement of the assessment shall be communicated to the staff member or the persons entitled under him after approval by the Organisation on the advice of the Pensions Administrative Committee of the Co-ordinated Organisations (PACCO) referred to in Article 43, paragraph 1.

3. Until this approval has been given, pensions shall be paid on a provisional basis.

**Article 32 – No double entitlement**

1. Without prejudice to the application of Articles 4 and 5, the following may not be paid concurrently out of the budgets of one or more of the Co-ordinated Organisations:

   i. a retirement and an invalidity pension as provided for in these Rules or, in cases where Article 7, paragraph 2, is applied, under the Rules of the Defined Benefit Funded Pension Scheme\(^{11}\);

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

   iii. two retirement pensions\(^{12}\).

2. Recipients of a retirement or invalidity pension under the present Rules may not be granted the status of staff member in the meaning of Article 1. The modalities for double entitlement to a retirement pension and any other remuneration paid by a Co-ordinated Organisation shall be defined by the Organisation.

3. Where they are due to the same cause, there can be no double entitlement to benefits under the present Rules and annuities under a scheme distinct from the Pension Scheme and financed by a Co-ordinated Organisation.

**Article 33 – Basis of calculation**

1. Pensions provided for under the TPS shall be calculated at the time of their assessment by reference to the salary defined in Article 3 and to the scales applicable to the country of the staff member’s or former staff member’s last posting.

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

   i. in a Member State of the Organisation of which he is a national, or

   ii. in a Member State of the Organisation of which his spouse is a national; or

   iii. in a country where he has served the Organisation for at least five years,

   he may opt for the scale applicable to the country in question. The option shall apply to only one of the countries referred to in this paragraph, and shall be irrevocable, except where paragraph 4 below is applicable.

\(^{11}\) Except for long term consultants at ECMWF.

\(^{12}\) Except for long term consultants at ECMWF.
3. The settlement of a pensioner refers to his principal and effective residence, with the transfer of the permanent and usual centre of his interests and the will to confer stability to such a residence. The option is granted as from the month following the date on which the pensioner proves, to the satisfaction of the Organisation, that he has his principal and effective residence in the country in question.

4. On the death of his spouse, a former staff member who settles in the country of which he is a national, or of which such deceased spouse was a national, may opt for the scale applicable in that country.

The same option shall be open to the surviving spouse or former spouse of a former staff member and to orphans who have lost both parents.

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

6. If the staff member, spouse, former spouse or orphan opts for the scale of a country referred to in paragraph 2, but there is no scale approved by the Organisation for that country, the scale applicable to the country of last posting shall be applied temporarily until a scale has been adopted for the country chosen.

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

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

**Article 34 – Re-assessment - Cancellation**

1. The benefits provided for under the TPS may be re-assessed at any time in the event of error or omission of any kind. Any undue payments must be reimbursed. They may be deducted from the benefits payable to the person concerned or to the persons entitled under him or from the amounts due to his estate. The reimbursement may be spread over a period.

2. Benefits shall be subject to modification or cancellation if their award was contrary to the provisions of these Rules.

**Article 35 – Requirement of evidence – Forfeiture of rights**

1. Persons who are eligible for benefits under these Rules shall notify the Organisation or the International Service for Remunerations and Pensions of any facts which may affect their entitlement to benefits and to furnish such supporting evidence as may be required of them.

Should they fail to comply with these obligations, they may be deprived of the right to benefits under this Scheme; save in exceptional circumstances, they shall refund any sums received to which they were not entitled.

2. Where the surviving spouse, orphans or other dependants of a deceased staff member or former staff member fail to apply for their pension within twelve months from the date of his death, payment of the benefits under these Rules may, at the discretion of the Organisation, be postponed until the first day of the month following that in which they make their application.

3. Where a staff member’s or former staff member’s former spouse referred to in Article 22 fails to apply for her pension within twelve months from the date of his death, his rights may, at the discretion of the Organisation, be wholly forfeited.

**SECTION 2: ADJUSTMENT OF PENSIONS**

**Article 36 – Adjustment of pensions**

1. The Organisation shall adjust pensions, every year, in accordance with the revaluation coefficients based on the consumer price index for the country of the scale used to calculate each pension.
It shall also adjust them in the course of the year, for any given country, when prices in that country show an increase of at least 6%.

2. At regular intervals, the Secretary General shall establish a comparison of the difference between increases in salary and increases in pensions, and may, where appropriate, propose measures to reduce it.

3. Where a person receiving a pension dies, and reversion, orphan’s or dependant’s pensions are due, the following calculation shall be made:

- pensions shall be calculated with reference to the scale in force at the date of the assessment of the entitlement of the deceased former staff member;
- the amounts thus determined shall be updated, as from that date, by application of the pensions revaluation coefficients for the country in question.

4. Where a person receiving an invalidity pension not awarded under Article 14, paragraph 2, reaches the age limit laid down in the Staff Rules and Regulations, his invalidity pension shall be converted, in accordance with Article 17, paragraph 2, to a retirement pension calculated using the method referred to in paragraph 3 above.

5. Where the person receiving a pension exercises one of the options under Article 33, the following calculation shall be made:

- the pension shall be recalculated with reference to the scale in force at the date of its assessment for the country selected;
- the amount thus determined shall be updated, as from that date, by application of the pensions revaluation coefficients for the country in question.

SECTION 3: PAYMENT OF BENEFITS

Article 37 – Mode of payment

1. Subject to the provisions of Article 11 and unless otherwise provided under these Rules, pensions, family allowances and provisions for tax adjustments shall be paid monthly in arrears.

2. These amounts shall be paid by the Organisation, or by the International Service for Remunerations and Pensions if it has been empowered to do so.

3. Benefits shall be paid in the currency used in their calculation in accordance with Article 33.

4. Benefits shall be paid to the recipient by bank transfer to an account in the country whose scale was used for calculating these benefits, or in the country in which he resides.

Article 38 – Sums owed to the Organisation

Any sum owed by a staff member, former staff member or pensioner to the Organisation which pays the pension at the date when the benefits are payable under these Rules shall be deducted from the amount of these benefits or from the benefits payable to those entitled under him. The deduction may be spread over a period.

Article 39 – Right of subrogation
1. Where a staff member’s invalidity or death is attributable to a third party, the award of the benefits provided for in these Rules shall in principle be made subject to the beneficiary assigning to the Organisation his claims against such third party, up to the amount of such benefits.

2. However, the Organisation may waive its right to take action pursuant to such subrogation against the third party concerned where special circumstances justify such a waiver.

CHAPTER X: FINANCING THE PENSION SCHEME

Article 40 – Charge on budgets

1. Benefits paid under this Pension Scheme shall be charged to the budgets of the Organisation responsible for the assessment of these benefits pursuant to Article 31.

2. The Member States of the Organisation jointly guarantee the payment of the benefits.

3. In the event of a merger, reconstitution or other transformation or in the event of dissolution of the Organisation, the Council or any ad hoc body set up, where required in one of the aforementioned cases, shall take the necessary measures to ensure uninterrupted payment of the Pension Scheme benefits until the cessation of entitlement of the last beneficiary.

4. Should a country, being a Member or ex-Member of the Organisation, fail to comply with its obligations under this Article, the other countries shall meet the cost thereof in proportion to their contribution to the budget of the Organisation as fixed annually from and after the said country’s default.

Article 41 – Staff member’s contribution – costing the scheme

1. Staff members shall contribute to the TPS.

2. The staff members’ contribution shall be calculated as a percentage of their salaries and shall be deducted monthly.

3. The rate of the staff contribution shall be set so as to represent the cost, in the long term, of 45% of the benefits provided under these Rules. The rate shall be 10.6%. This rate shall be reviewed at least every five years or whenever necessary, on the basis of an actuarial study, the procedures for which are appended hereto. After that date, the staff contribution rate shall be adjusted, with effect from the fifth anniversary of the preceding adjustment, the rate being rounded to the nearest first decimal.

4. Contributions properly deducted shall not be recoverable. Contributions improperly deducted shall confer no rights to pension benefits; they shall be refunded at the request of the staff member concerned or those entitled under him without interest.

CHAPTER XI: FINAL PROVISIONS

Article 42 – Pensions which are subject to national tax legislation

13 Note: as amended by Decision (CM/Del/Dec(2014)1213/11.2), adopted by the Committee of Ministers on 26 November 2014 at the 1213th meeting of the Ministers’ Deputies, with effect from 1 January 2015.


16 Note: Such provision does not exist in this Pension Scheme.
Article 43 – Pensions Administrative Committee of the Co-ordinated Organisations (PACCO)

The Pensions Administrative Committee of the Co-ordinated Organisations, created by the Standing Committee of Secretaries-General, shall give technical opinions, including on any draft amendment to the present Rules.

Article 44 – Detailed implementation

Instructions for the implementation of these Rules shall be drawn up by the Secretary General of the Organisation after having obtained an opinion of the Pensions Administrative Committee of the Co-ordinated Organisations.

Article 45 – Entry into force

These Rules shall enter into force on 1st April 2013.

Article 46 – Revision clause

Amendments to this Scheme may be made whenever necessary and at least on the occasion of the examination of each actuarial study provided for in this Scheme. Amendments may concern contributions, benefits or other pension parameters of staff covered under this Scheme. Amendments shall be made in a balanced way, with respect to the general principles of law and to the legal provisions applicable to the Organisation, after due consultation with the staff representation.
ANNEX TO ARTICLE 41 - ACTUARIAL STUDIES

Method

1. Calculation, as at the effective date of the study of the rate of contribution payable by staff in order to finance 45% of benefits provided under the Scheme, establishing the present value of future entitlements and salaries.

2. Projections of annual amounts of future entitlements will be calculated, on the one hand, for staff affiliated to the TPS at the date of the study and, on the other hand, for the population of staff who will be recruited and affiliated to this scheme in the years to come. Projections of salaries for these populations will also be established year by year. Each of these amounts will be projected over a period of 80 years and discounted to present worth.

3. Combining these results will make it possible to determine the rate of contribution needed to finance 45% of benefits provided under the Scheme.

Demographic and salary-related assumptions

4. The demographic assumptions are derived from detailed demographic studies for the Organisation. These studies examine past experience over a period of 15 years, where the information is available, and also take account of available forecasts regarding future staff numbers.

5. The assumptions relating to salaries are based on detailed observation of the past, over a period of 15 years, where the information is available, and also take account of practices and forecasts available in this field.

6. The rates obtained are adjusted so as to eliminate distortions resulting from insufficient data.

Economic assumptions

7. The discounting process is based on observed rates of return on long-term government bonds issued in the reference countries, as from the date when they become a reference country.

8. A discount rate net of inflation shall be used. It shall be equal to the arithmetical average of average real rates observed over the thirty years preceding the date when the actuarial study is conducted.

9. The average real rate for a given past year is obtained from the real rates in each country, calculated as the quotient of the rate of gross return on bonds by the corresponding rate of inflation, as shown by the national consumer price index.¹⁷

APPENDIX VI: Regulations on indemnity for loss of job

Article 1 – Scope

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

Article 2 – General principles

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

a. suppression of the post or position occupied by the staff member;

b. changes of such a nature in the duties of the post or position occupied by the staff member that he or she no longer possesses the required qualifications;

c. general staff cuts including those due to a reduction in or termination of the activities of the Council;

d. the withdrawal from the Council of the member state of which the staff member is a national;

e. the transfer of the headquarters of the Council or any of its units to another country and the consequent transfer of the whole staff concerned;

f. the refusal by the staff member, where the contract does not cover the point, to be permanently transferred to a country other than that in which he or she is serving; and

- who is not offered a post or position, as the case may be, in the same grade in the Council; or
- who is not appointed to a vacant post in one of the other co-ordinated organisations at a comparable remuneration; or
- who, if employed in the public service, has not been immediately reintegrated in his or her national civil or military administration.

Article 3 – Calculation of indemnity


A firm contract shall mean a contract made with a staff member on completion of the probationary period. A staff member who has held a firm contract in a Co-ordinated Organisation and who has subsequently been offered, either in that organisation or in another Co-ordinated Organisation, a contract involving a probationary period, shall be deemed to satisfy this condition if such contract is terminated during or on completion of such probationary period.
The method of calculating the indemnity differs as between fixed term contracts and indefinite term contracts.

**Article 4 – Fixed term contracts**

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

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

**Article 5 – Contracts of indefinite duration**

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

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

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

**Article 6 – Successive contracts with several organisations**

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

2. A staff member who has served not less than ten consecutive years with one or more co-ordinated organisation and whose employment ends because the Secretary General decides not to

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renew his/her fixed-term contract for reasons other than underperformance shall be entitled to an indemnity for loss of job under the provisions of Article 5.

**Article 7 – Emoluments taken into consideration**

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

**Article 8 – Payment of the indemnity**

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

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Article 9 – Transitional provisions

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

Article 1

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

Article 2

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

Article 3

1. Two different types of unpaid leave are to be distinguished:
   - leave for family events;
   - leave for personal reasons.

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

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

b. in respect of leave for personal reasons:
   i. for study or research work of value for the staff member’s training and/or the Council;

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2 Is considered as a partner the person having concluded a *Pacte Civil de Solidarité* (PACS) or equivalent or the person producing a *certificat de concubinage*.
ii. because of establishment of the staff member’s usual residence in a distant place from the place where he or she is serving, when such residence is in particular determined by the spouse’s or partner’s occupation;

iii. to exercise a professional activity outside the Council, provided that such activity is not incompatible with the duties and obligations of staff as set out in staff and administrative regulations. Such activity must not be contrary to the principles set out in the Staff Regulations or with the aims pursued by the Organisation, and should not be such as to cause moral or material prejudice to the Council;

iv. other reasons linked to the staff member’s personal development.

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

Article 4

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

2. Each period of leave shall be for a minimum period of one year. The period of leave may be renewed for not more than one year at a time. The Secretary General may decide otherwise in exceptional circumstances related to family events, upon a duly substantiated request. An application for renewal must be submitted four months before the end of the period of leave in hand.\(^3\)

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

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

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

Article 5

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

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


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

**Article 6**

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

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

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

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

**Article 7**

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

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

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

**Article 8**

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

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

**Article 9**

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

**Article 10**
In exceptional cases the Secretary General may decide to reinstate, before the end of the period of leave, a staff member who so requests.  

**Article 11**

In determining the date of the staff member’s resumption of duties the Secretary General shall have regard to the interests of the Council, the staff member concerned and the person replacing him or her.

**Article 12**

A staff member on unpaid leave shall remain subject to overall administrative regulations except as otherwise provided in these Regulations.

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APPENDIX VIII: Regulations on extra duties and night work

Article 1 – Scope
These Regulations, issued in accordance with Article 51 of the Staff Regulations and pursuant to Article 10 of the Appendix IV to the said Regulations, lay down the conditions under which staff members may be required to carry out extra duties outside normal working hours and to perform night work, and prescribe the rules governing compensation for extra duties.

Article 2 – Obligations
1. In the case of urgency, an excessive workload or other exigencies of the service staff members shall be required to carry out duties outside normal working hours when formally requested to do so.

2. This obligation shall apply equally on Saturdays and, exceptionally, on Sundays, public holidays as defined by the internal regulations and other non-working days fixed by the Secretary General.

Article 3 – Definitions
1. For the purposes of these Regulations “overtime” means any hours worked outside the applicable working hours on the instructions of the competent superior authority.

2. “Night work” is any work done in this way between 10 p.m. and 7 a.m. on the instructions of the competent superior authority.

Article 4 – Competent authority – authorisation
1. Subject to paragraphs 2 and 3 of this Article, Directors and Heads of Department shall decide whether overtime is to be worked.

2. Night work and work on Sundays, public holidays and non-working days shall require the prior authorisation of the Head of Human Resources Division.

3. The prior authorisation of the Head of Human Resources Division is also required for any overtime which may give rise to financial compensation.

1 Note: added by Resolution Res(83)12 of 15 September 1983, with effect from 1 October 1983.
Article 5 – Limitation of extra duties

1. Extra duties shall be kept to a minimum.

2. Total overtime required of a member of staff shall not exceed 15 hours per week and 30 hours per month. In exceptional cases this monthly limit may be exceeded provided that the member of staff does not work more than 150 hours of overtime per half year.

Article 6 – Compensation - Basic principles

1. Overtime worked by staff in categories A and L shall not give rise to compensation. However, in exceptional cases compensatory time off may be granted to staff of these categories if they are repeatedly required to perform very considerable periods of overtime.

2. Overtime worked by staff in categories B and C shall entitle them to compensatory leave.

3. If the exigencies of the service are such that compensatory leave cannot be granted an allowance in lieu may be paid to staff in category C and grades B1, B2 and B3.

4. Overtime shall not qualify for compensation unless it exceeds 30 minutes.

Article 7 – Rules governing compensation for overtime

1. Overtime worked by staff in categories B and C shall entitle them to compensation in accordance with the conditions set out below:

   a. every hour of overtime shall entitle the member of staff to a corresponding period of compensatory leave; if the overtime is worked on a Sunday, a public holiday or between 10 p.m. and 7 a.m. the compensatory leave shall be increased by 50%. Such leave shall be granted in the week or weeks following the overtime;

   b. if the exigencies of the service are such that full compensatory leave cannot be granted the staff members concerned shall receive, in the cases provided for in paragraph 3 of Article 6, overtime payment at the rate of 0.06% of the average annual salary of the staff member’s grade increased by 50% for work done on Sundays and public holidays or between 10 p.m. and 7 a.m.

2. Compensation for overtime may not be given solely in the form of a payment and compensatory leave must be taken for at least 20% of the total monthly overtime. This provision shall not apply to overtime worked by drivers.²

3. Compensation may not be granted for more than 20 hours per month. Nevertheless certain staff members working in special conditions and whose work regularly exceeds the working hours of staff in general may, by virtue of a decision by the Secretary General, claim payment for a maximum of 30 hours of overtime per month or a lump sum allowance the amount of which shall be fixed by the Secretary General and not exceed the equivalent of 30 hours overtime.

Article 8 – Night work

² Note: as amended by Resolution Res(98)13 of 9 September 1998, with effect from 1 January 1998.

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1. Night work may not be prejudicial to the daily rest of staff members, which must average at least 11 hours over the course of a working week, and may not be less than eight hours.

2. In no circumstances may pregnant women be required to do night work.

3. No member of staff may be called upon to perform night work regularly without undergoing a prior medical examination.

**Article 9 – Shift work**

1. Members of staff on shift work shall not thereby be entitled to compensation if the duration of their work, calculated over a three-monthly period, does not exceed that of the other members of staff.

2. However, where this is justified by the regular nature of the shifts and other circumstances, the Secretary General may grant a monthly lump sum payment or additional leave to such members of staff for particularly long periods of work performed at night or on Sundays. This payment may not exceed 0.5% of the annual average salary for grade C3.

**Article 10 – Official journeys**

1. Time taken to travel to the place of work or to make an official journey cannot be considered to constitute overtime within the meaning of these Regulations.

2. Working hours on duty while away shall be according to needs.

Hours worked on duty from Monday to Friday while away cannot constitute overtime.

3. Hours worked on the occasion of a Council of Europe meeting away from headquarters on Saturdays, Sundays, public holidays or non-working days shall be considered to be overtime when they exceed half a day and are in the performance of the normal professional duties of the member of staff.

In such cases the provisions of Articles 6 and 7 above shall apply.

Mere attendance at a colloquy, ceremony or official visit shall not be considered as overtime.

4. The provision contained in paragraph 1 of this Article shall not prevent the exceptional granting of compensatory time off following the official journey when the journey has been made in particularly arduous circumstances.
APPENDIX IX: Regulations on part-time work

Article 1

1. These Regulations, issued pursuant to Article 52 of the Staff Regulations, are intended to lay down the conditions under which staff members may, on request, be authorised by the Secretary General to work part time provided that such an arrangement is compatible with the exigencies of the service.

2. Part-time work is to be understood as meaning any reduced working time arrangement whereby a staff member is authorised to work 50%, 60%, 70%, 80% or 90% of statutory hours together with a corresponding salary reduction.

Article 2

1. Authorisation to work part-time may be granted in response to a reasoned request submitted by the staff member in accordance with the formalities prescribed by the Secretary General.

2. Authorisation to work part-time shall not be granted as a matter of right. In taking the decision, the Secretary General shall give due consideration to the exigencies of the service and the nature of the reasons set forth.

3. Any refusal of a request to work part-time shall be duly justified in writing by the hierarchical superior(s).

4. Authorisation to work part-time may, for administrative reasons, be made subject to the transfer of the staff member in question to an appropriate post.

5. When the staff member authorised to work part-time is at his or her own request appointed to a different post as a result of transfer or promotion, the continuation of part-time work shall be subject to a fresh authorisation.

Article 3

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A staff member who is authorised to work part-time shall work hours representing either 50%, 60%, 70%, 80% or 90% of the official working hours, in accordance with a timetable agreed with the Head of the Major Administrative Entity to whom the staff member is answerable.

**Article 4**

1. Authorisation to work part-time shall normally be given for a period of one year, unless there are serious and compelling reasons to the contrary and without prejudice to the provisions of Article 6. It shall be renewed every year on the same conditions, by tacit agreement, unless the staff member in question submits an express notification to the contrary to the Head of the Major Administrative Entity concerned or the Head of the Major Administrative Entity concerned submits such a notification to the staff member in question three months before the end of the one-year period.

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2. In exceptional cases, on a request by a staff member, the Head of the Major Administrative Entity concerned may agree to a modification of the staff member’s part-time working hours or a suppression of the authorisation, in particular at the end of maternity or adoption leave if the staff member concerned is a beneficiary of such leave.

Article 5

When the interests of the service so require, the Secretary General shall be empowered to implement any transfer arrangements whereby two permanent staff members of the same grade authorised to work half-time may be appointed to a single post.

Article 6

1. On expiry of the period for which the staff member has been authorised to work half-time, he or she shall be reinstated in a full-time post, subject to such a post being vacant.

2. When the first vacancy arises in a post of the appropriate grade, staff members shall be reinstated on condition that they are qualified to perform the requisite duties. Until the time of reinstatement the staff member shall remain subject to the authorisation to work half-time.

Article 75

1. Staff members working part-time shall receive the corresponding percentage of the various components of their remuneration, save in relation to the allowances mentioned in paragraph 2 below. The minima fixed for the household allowance (Article 4, paragraph 1, of the Regulations governing staff salaries and allowances) or, for staff members recruited on or after 1 January 2017, the basic family allowance (Article 4bis of the same Regulations) and for the expatriation or residence allowance (Article 6, paragraph 2, of the same Regulations) shall be reduced accordingly.

2. The allowance in respect of dependent children or other dependants, the allowance for a handicapped child or, for staff members recruited on or after 1 January 2017, the dependent child supplement, the supplement for dependent and disabled parent and the supplements for disabled or severely disabled child and the education allowance shall continue to be paid in full.

Article 86

In calculating seniority for an increment and for any other entitlement based on length of service, except as regards pension rights (see Article 10 below), a period during which the staff member has worked part-time (i.e. 50%, 60%, 70%, 80% or 90% of normal working hours) shall be counted at 100%.

Article 9

1. A staff member working part-time shall be entitled to the leave provided for in the relevant regulations on the same basis as staff working full-time. A day’s leave shall be understood as being equal to a part-time day, remunerated as specified in Article 7 above.

2. Travelling expenses for home leave of staff members working part-time shall be refunded on the same terms as those applying to staff members working full-time.\(^7\)

3. Staff members authorised to work 80% or 90% of normal hours may, under the conditions laid down by the Secretary General, work full-time and acquire additional days of leave in compensation. These days of leave must be taken during the period covered by the authorisation to work part-time.

**Article 10**\(^8\)

The arrangements applicable to pensions shall be as provided in the Pension Scheme Rules (Appendices V, V bis and V ter to the Staff Regulations) and their implementing instructions.

**Article 11**

1. Staff working part-time shall continue to be bound by such rules and regulations as are not waived by these Regulations.

2. During the period in question a staff member may engage in no other gainful activity, save if in receipt of an authorisation as provided for under Article 32 of the Staff Regulations.

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\(^8\) Note: as amended by Resolution CM/Res(2013)63 of 11 December 2013, with effect from 1 January 2014.
APPENDIX X: Regulations on disciplinary proceedings

Article 1

These Regulations, issued in accordance with Article 56 of the Staff Regulations, govern disciplinary proceedings.

Article 2

1. No warning or reprimand shall be ordered by the Secretary General before hearing the staff member concerned.

2. If the misconduct of which the staff member is accused may warrant one of the disciplinary measures provided for in Article 54, paragraph 2.c, d, e and f, the Secretary General shall lay before the Disciplinary Board a report clearly specifying the reprehensible acts and the circumstances in which they were allegedly committed.

3. The said report shall be transmitted to the Chair of the Disciplinary Board, who shall bring it to the knowledge of the Board members and of the staff member.

Article 3

On receipt of the report, the staff member charged shall be entitled to see his or her complete personal file and to take copies of all documents relevant to the proceedings.

Article 4

At the first meeting of the Disciplinary Board the Chair shall appoint one of its members to prepare a general report on the matter.

Article 5

1. The staff member concerned shall have not less than fifteen days from the date of receipt initiating disciplinary proceedings to prepare his or her defence.

2. When staff members appear before the Disciplinary Board they shall have the right to submit written or oral observations, to call witnesses and to be assisted in their defence by a person of their own choice.

Article 6

The Secretary General shall likewise have the right to call witnesses.
**Article 7**

1. If the Disciplinary Board requires further information concerning the facts complained of or the circumstances in which they arose, it may order an enquiry in which each side can submit its case and reply to the case of the other side.

2. The enquiry shall be conducted by the rapporteur. For the purpose of the enquiry the Disciplinary Board may call for any document relating to the matter before it.

**Article 8**

1. After consideration of the documents submitted and having regard to any statements made orally or in writing by the staff member concerned and by witnesses, and also to the results of any enquiry undertaken, the Disciplinary Board shall, by majority vote, deliver an opinion, stating its grounds, on the disciplinary measure appropriate to the facts complained of, and transmit the opinion to the Secretary General and to the staff member concerned within one month of the date on which the matter was referred to the Board. The time-limit shall be three months where an enquiry has been held on the instructions of the Disciplinary Board.

2. The Secretary General shall take his or her decision within one month; he or she shall first hear the staff member concerned.

**Article 9**

1. The Chair of the Disciplinary Board shall not vote on matters before the Board save on procedural questions or in case of a tie.

2. He or she shall ensure that the Disciplinary Board’s decisions are implemented and shall bring all the relevant information and documents to the attention of each of its members.

**Article 10**

1. The Chair shall be responsible for the minutes of the meetings of the Disciplinary Board.

2. Witnesses shall sign the minute recording their deposition.

3. The opinion stating grounds provided for in Article 8 shall be signed by all members of the Disciplinary Board.

**Article 11**

Costs incurred on the initiative of a staff member in the course of disciplinary proceedings, and in particular fees to a person chosen for his or her defence from outside the Council of Europe, shall be borne by the staff member when the disciplinary proceedings result in any of the measures set out under Article 54, paragraph 2.c to f of the Staff Regulations.

**Article 12**

Where there are new facts supported by relevant evidence, disciplinary proceedings may be re-opened by the Secretary General on his or her own initiative or on application by the staff member concerned.
APPENDIX XI: Statute of the Administrative Tribunal

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Article 1 – Membership of the Tribunal

1. The Administrative Tribunal (hereinafter referred to as the Tribunal) shall be composed of three judges, who shall not be staff members of the Council of Europe.

2. One judge shall be appointed by the European Court of Human Rights (hereinafter referred to as the Court) from among those who hold or have held judicial office in one of the member States of the Council of Europe or with another international judicial body, other than present judges of the Court. The remaining judges shall be appointed by the Committee of Ministers among jurists or other persons of high standing, with great experience in the field of administration. The judges of the Tribunal shall be appointed for a term of three years; they may be reappointed.2

3. Three deputies shall be appointed by the Court and the Committee of Ministers, on the same conditions.

4. The six judges and deputies who at any one time are serving, or completing pursuant to paragraph 5 of this Article, a three-year term of office must be nationals of different member states. This provision shall not apply to judges and deputies continuing to hold office pursuant to paragraph 6 of this Article.

5. In the event of the death or resignation of a judge or deputy during the three-year term for which he or she was appointed, the Court or the Committee of Ministers, as the case may be, shall appoint a replacement to serve for the remainder of the term of office of his or her predecessor.

6. Judges and deputies shall continue to hold office until replaced, but only for a maximum period of one year. The judge or deputy who is to continue to hold office pursuant to this paragraph shall, if need be, be selected by a drawing of lots.

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2 Note: as amended by Resolution Res(99) 19 of 16 November 1999, with effect from 1 January 2000.
7. A judge or deputy who continues or has continued to hold office pursuant to paragraph 6 of this Article shall continue to deal with any case in which oral proceedings have begun before him or her.

**Article 2 – Chair**

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

**Article 3 – Independence of judges**

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

**Article 4 – Jurisdiction**

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

**Article 5 – Admissibility**

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

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

**Article 6 – Working languages**

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

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

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

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

3. The appeal, together with the memoranda and other supporting documents, the comments of the Secretary General and the appellant’s reply, if any, shall be communicated to the judges of the Tribunal at least fifteen days before the date of the session at which it is to be considered.
If the Advisory Committee on Disputes has been asked for an opinion under Article 59, paragraph 5\(^3\), of the Staff Regulations, the opinion shall be communicated to the Tribunal as part of the case-file. However, evidence given before the Advisory Committee shall not be binding on the parties, nor may it be raised against them in the proceedings before the Tribunal.

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

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

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

**Article 8 – Stay of execution**

1. The Chair shall rule within fifteen days on applications made under Article 59, paragraph 9\(^4\), of the Staff Regulations for a stay of execution of an administrative act.

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

**Article 9 – Meetings of the Tribunal**

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

2. The Tribunal shall be convened by the Chair.

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

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

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

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

**Article 10 – Intervention**

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

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

**Article 11 – Costs of the appeal**

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

\(^4\)Note: as amended by Resolution CM/Res(2013)64 of 11 December 2013, with effect from 1 January 2014.
1. The Tribunal may, if it considers that an appeal constituted an abuse of procedure, order the appellant to pay all or part of the costs incurred.

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

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

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

**Article 12 – Decisions of the Tribunal**

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

2. No appeal lies from decisions. In the event of a clerical error in a decision, it may be rectified by the Chair either ex officio or at the request of one of the parties.

3. A copy of the decision shall be delivered to each of the parties. The original shall be deposited in the archives of the registry of the Tribunal.

4. Decisions of the Tribunal shall be published *in extenso* by the Secretary General.

**Article 13 – Internal Rules of Procedure**

The Tribunal shall adopt its own Rules of Procedure.

**Article 14 – Registry and budgetary arrangements**

1. The Secretary General shall make the necessary administrative arrangements for the functioning of the Tribunal.

2. The Secretary General shall appoint a registrar and a deputy registrar of the Tribunal. In the discharge of their duties they shall be responsible only to the Tribunal.

3. Subject to the provisions of Article 15, any compensation awarded by the Tribunal shall be borne by the budget of the Council.

4. Travel and subsistence expenses incurred by judges of the Tribunal shall be refunded according to the rules in force in the Council and at the rates determined by the Committee of Ministers.

**Article 15 – Bodies attached to the Council of Europe and other international governmental organisations**

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1. The jurisdiction of the Tribunal may be extended to cover disputes between bodies attached to the Council of Europe and other international governmental organisations and their respective officials, should the appropriate authorities of such bodies or international governmental organisations so request.

2. In such cases, an agreement governing administrative procedure and arrangements shall be concluded between the Secretary General and the body or the international governmental organisation concerned. The agreement shall expressly provide that the latter body or international governmental organisation shall bear the cost of compensation awarded by the Tribunal to any of its officials and the cost occasioned by such disputes.
APPENDIX XII: Regulations on the medical and social insurance scheme

PART I: Affiliation of serving permanent staff

CHAPTER I: GENERAL PROVISIONS

Article 1 – Affiliation

Subject to the provisions of Article 43, paragraph 4, of the Staff Regulations, the staff members referred to in Article 1, paragraph 1, of the Staff Regulations shall be affiliated to the Organisation’s Medical and Social Insurance Scheme.

Article 2 – Commencement and cessation of entitlement

1. Entitlement to the medical benefits and accident insurance cover provided by the Organisation’s Medical and Social Insurance Scheme shall start on the date on which the staff member’s journey to take up his/her duties begins.

Entitlement to the other benefits provided by the Scheme shall start on the date on which the staff member takes up his/her duties, and shall be conditional on his/her having undergone the medical examination for new recruits.

2. Except in cases where maintenance of rights is provided for in these Regulations, entitlement to the benefits provided for in Part I of these Regulations shall cease on the date on which the staff member’s contract with the Organisation terminates (Article 23 of the Staff Regulations).

Benefits shall cease after that date, subject, in the case of previously occurring contingencies, to rights acquired on the conditions applying to each contingency.

**Article 3 – Suspension of entitlement**

1. Unless otherwise provided for in the special rules governing maintenance of rights, entitlement to the benefits provided by the Organisation’s Medical and Social Insurance Scheme shall be suspended throughout periods of unpaid leave (Appendix VII to the Staff Regulations).

2. The Secretary General shall determine by rule the conditions for voluntary affiliation to the Organisation’s Medical and Social Insurance Scheme during periods of unpaid leave.

**Article 4 – Definition of benefits and risks covered – Interpretation**

1. The Secretary General shall determine by rule the nature of the expenses covered by the Organisation’s Medical and Social Insurance Scheme, and also the rates of cover, exceptions and restrictions which apply, depending on the nature or cause of the benefits.

2. If doubts or disputes arise concerning application of the Regulations on the Organisation’s Medical and Social Insurance Scheme, reference shall be made to the French Social Security legislation in force at the time when the event giving rise to a claim for benefits occurs.

3. The text of insurance policies taken out by the Organisation relating to cover for health care expenses or provident cover shall be made available to staff members.

**Article 5 – Maintenance of rights**

1. When their contract with the Organisation terminates for one of the reasons specified in Article 23, paragraphs 2 and 3 a. and b. of the Staff Regulations, staff members affiliated to the Organisation’s Medical and Social Insurance Scheme shall continue to be covered in respect of health care expenses for a period equivalent to that provided for under the French Social Security Scheme if, having taken up a new professional activity, they are not covered for such expenses by another scheme, either because illness or pregnancy pre-dates their joining that scheme or because entitlement thereunder is subject to a qualifying period, or if they have not taken up a new professional activity.

In such cases, cover of health care expenses shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace-Moselle.

2. In the cases provided for in paragraph 1, health care expenses shall be covered on the same conditions for persons entitled through staff members, as defined in French Social Security legislation.

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3. Provided that their health care expenses cannot be covered by a compulsory social security scheme, former spouses of staff members affiliated to the Organisation’s Medical and Social Insurance Scheme shall continue to be covered in respect of health care expenses under the latter scheme for a period following divorce equivalent to that provided for under the French Social Security Scheme. In such cases, cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace-Moselle.

4. Persons entitled through staff members who die while serving, who are not covered by a social protection scheme either in respect of a professional activity, or by virtue of a pension scheme, shall continue to be covered in respect of health care expenses for a period of one year. In such cases, cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace-Moselle.

5. During periods of unpaid leave, entitlement in respect of health care expenses shall be maintained during the period provided for in the French Social Security Scheme. The cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace-Moselle.

6. The provisions of this Article shall not apply to the persons in receipt of pensions under the Organisation’s Pension Scheme, referred to in Article 16, paragraph 1, of these Regulations.

Article 6 – Exceptions

1. Life insurance benefits shall be guaranteed for all deaths, even those resulting from an industrial disease covered by French Social Security legislation.

However, the following risks shall be covered with certain reservations:

- if a staff member deliberately commits suicide in full awareness of what he/she is doing, cover shall apply only if he/she has been affiliated to the Organisation’s Medical and Social Insurance Scheme for at least one year. If, however, the beneficiaries can show that the staff member in question was unaware of what he/she was doing when he/she committed suicide, cover shall apply with no qualifying period;

- in wartime, life insurance cover shall be subject to the conditions applying to life insurance in wartime specified in the law of the country where the staff member is serving. Permanent, total disability resulting from injuries sustained in a generalised war shall never be covered.

2. The following shall also not be covered:

a. illnesses or accidents deliberately induced or caused by beneficiaries or persons entitled through them;

b. war injuries sustained while beneficiaries are serving in the armed forces, either as conscripts or volunteers;

c. injuries or lesions sustained in the course of speed trials, competitions or wagers, other than ordinary sports competitions;

d. injuries sustained in insurrections or riots in which beneficiaries have unlawfully taken part, or in fights, unless engaging in lawful self-defence;

e. illnesses or accidents affecting beneficiaries resident in countries which obstruct the lawful verifications which the Organisation is entitled to carry out;

f. aircraft accidents, unless the beneficiary is on board an aircraft officially certified as airworthy and flown by a pilot in possession of a current pilot’s licence. The pilot may be the beneficiary himself/herself, provided that he/she has complied with current regulations.
Competitions, wagers, races, aerobatics, record attempts or preparatory tests, acceptance flights, gliding, and parachute jumps, other than those rendered necessary by an aircraft's critical condition, shall not be covered;

g. the consequences of any attempt at self-mutilation.

**Article 7 – Limitation and fraud**

1. The right of affiliated persons to bring proceedings shall lapse two years from the date on which the event giving rise to a claim for benefits occurs.

2. Affiliated persons shown to have defrauded the Scheme shall be required to repay the sums wrongfully received and shall also, if they are serving staff members, be liable to disciplinary sanctions.

**Article 8 – Subrogation**

1. The Organisation shall be entitled to take over affiliated persons' legal claims against potentially liable third parties, up to the level of the benefits provided. This right of subrogation shall not apply to capital benefits which may be added to similar compensation paid by third parties.

2. Affiliated persons must inform the Director of Human Resources of any accident of which they or other beneficiaries have been the victim, whether or not that accident was caused by a third party. They must furnish any information concerning the identity of the persons involved and their insurers, and also the circumstances of the accident, which the Organisation may require to pursue claims against potentially liable third parties.

**CHAPTER II: BENEFITS**

**Article 9 – Expenses for medical treatment**

1. The cost of medical treatment prescribed or provided by a qualified medical practitioner in cases of accident, illness or maternity shall be covered in accordance with the rules laid down by the Secretary General.

2. Entitlement to benefits for medical treatment shall apply to staff members and persons entitled through them, viz.:

   a. dependent children under the age of 18; however, supplementary cover for medical treatment may be extended, on payment of an additional contribution borne entirely by the staff member, to dependent children aged more than 18 and less than 26 who are covered by Social Security schemes in their own right (students, job-seekers, etc.)4; 

   b. spouses of staff members or persons cohabiting with staff members (as unmarried partners) who are totally dependent on them. In such cases, cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace-Moselle. However, supplementary cover for health care costs may be extended to that person on payment of an additional contribution borne entirely by the staff member. On payment of an additional contribution borne entirely by the staff member, supplementary cover may be extended to

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spouses or unmarried partners who are professionally active or in receipt of unemployment benefits or retirement pensions;

c. a parent or other close relation who lives in the staff member’s home and looks after the house and at least two of his/her dependent children under the age of 14. In such cases, cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace-Moselle. However, supplementary cover for health care costs may be extended to that person, on payment of an additional contribution borne entirely by the staff member;

d. any person, but only one, who has lived with the staff member for at least one year and is wholly dependent on him/her (proof is required). In such cases, cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace-Moselle. However, supplementary cover for health care may be extended to that person, on payment of an additional contribution borne entirely by the staff member.

3. For the definition of persons entitled through staff members, reference shall be made to the French Social Security legislation in force when these Regulations are adopted and to any subsequent changes in such legislation.

4. Staff members must inform the Organisation of any other compulsory scheme which provides health cover for them or persons entitled through them.

5. Persons entitled to benefits provided for in this chapter, who are personally entitled to social protection under one or more other compulsory social insurance schemes, must always obtain the benefits due under those schemes before applying for benefits under the Organisation’s Medical and Social Insurance Scheme, from which the former benefits shall be deducted.

Parents who are each insured under a sickness and maternity scheme shall designate, by mutual agreement, one of them to be primarily responsible for their children in respect of claims for sickness and maternity benefits.

This designation may be made at any time. Once made, it may only be changed, by mutual agreement of the parents, after an interval of one year.

However, when one of the insured parents ceases to be entitled to sickness and maternity insurance benefits, their children shall be entitled to these benefits through the other parent.

6. In cases where specific sickness benefits which are not covered by the Organisation’s Scheme could have been provided by French Social Security, the Secretary General shall decide in each instance whether a reimbursement should be made to the staff member in question.

**Article 10 – Continued payment of salary during illness**

1. Under the Organisation’s Medical and Social Insurance Scheme, and subject to the special rules applying to accidents at work and to industrial diseases, staff members shall be entitled to continued payment of their salaries and allowances for the periods specified in the rules on the French Social Security scheme.

2. Continued payment of salary and allowances shall be conditional on the production of a medical certificate. Payment of salary and allowances may be suspended if the doctor appointed by the Organisation finds that the staff member is not following the treatment ordered or instructions issued by his/her own doctor, or that he/she is fit to return to work.

**Article 11 – Maternity, paternity or adoption benefits**

1. Serving staff members granted maternity, paternity or adoption leave shall be entitled, during such leave, to continued payment of their full salaries and allowances.

2. Staff members shall also receive a lump-sum allowance on birth or adoption of a child.
3. When both parents of the child are staff members of the Organisation, this allowance shall be paid once, to the parent designated by both.

Article 12 – Disability benefits

1. In cases of total, permanent disability, recognised as such under the Organisation’s pension schemes, if the disability is regarded by the Invalidity Board provided for in those schemes as a level-three disability under the French Social Security Scheme classification, if it is confirmed that this condition renders a staff member unfit for all work, professional or other and if he/she permanently requires another person’s assistance to perform the normal actions of everyday life, then he/she shall be entitled to payment of a capital sum equivalent to two years’ salary.

2. In cases of total, permanent disability, recognised as such under the Organisation’s pension schemes, if the disability is regarded by the Invalidity Board provided for in those schemes as a level-one or level-two disability under the French Social Security Scheme classification, and if it is confirmed that this condition renders a staff member unfit for all work, professional or other, then he/she shall be entitled to payment of a capital sum equivalent to one year’s salary. However, the sum paid shall decrease progressively after the age of 56. Furthermore, where a staff member’s state of health worsens in the five years after he/she is declared disabled to the extent that he/she would now be classed in category three of the French Social Security classification, the capital sum shall be increased to the level specified in paragraph 1.

3. A staff member who, either at the time of being declared disabled or subsequently, owing to a worsening of his/her condition within five years of being so declared, permanently requires the assistance of another person to perform the normal actions of everyday life, shall also receive a disability pension, payable for life.

4. In the event of permanent partial incapacity which is recognised as such by the Invalidity Board provided for under the Organisation’s pension schemes and which renders him/her unable to perform, on a full-time basis, his/her employment or any other duties corresponding to his/her experience and qualifications which may be proposed by the Organisation, a staff member shall be entitled to an annual allowance, the amount and duration of payment of which shall be determined by rule by the Secretary General.

Article 13 – Death grant

If a staff member dies, a capital sum equivalent to two years’ salary, shall be paid to the persons entitled through him/her, in accordance with the rules laid down by the Secretary General, unless this sum has already been paid under Article 12, paragraphs 1 or 2.

Article 14 – Accidents at work and industrial diseases

1. An accident at work is any accident which is caused by, or occurs in the course of, functions undertaken in the Organisation, and which causes physical or mental harm to a serving staff member.

In particular, any physical injury due to a sudden and usually violent external cause is regarded as accidental.


The salary referred to here comprises basic salary and, where applicable, the household allowance, the basic family allowance, the expatriation or residence allowance and the language allowance.
Specifically, any accident occurring while a staff member is on an official journey shall be regarded as an accident at work, unless he/she has interrupted that journey for personal reasons unconnected with his/her duties.

Accidents at work shall also include accidents occurring:

i. on a staff member’s normal journey to and from work;

ii. when a staff member is travelling to or from an official destination or performing duties connected with an official journey;

iii. on the journey preceding a staff member’s taking up his/her duties, or following his/her ceasing those duties, if that journey follows the route and respects the time limits laid down in the Organisation’s regulations.

Industrial diseases caused by functions performed for the Organisation shall count as accidents at work.

Accidents at work or industrial diseases shall include the further effects of an accident occurring, or an industrial disease contracted, while a staff member was performing his/her duties, even if these effects manifest themselves when he/she has left the Organisation.

If problems arise with interpretation of the principles laid down in paragraphs a) to e) above, French legislation on accidents at work and industrial diseases, and the relevant French case law, shall apply by analogy.

2. Any accident covered by paragraphs a., b. and c. of this Article must be notified to the Director of Human Resources within 48 hours, unless circumstances make this impossible.

3. The Secretary General shall inform the staff member, when an enquiry and any necessary medical examinations have been carried out, of the decision to recognise the accident as an accident at work, or of the reasons for any decision by the insurers not to do so.

4a. The medical costs of treating the effects of an accident at work or industrial disease, and of functional rehabilitation, shall be covered at 100% of the tariff applying in the French Social Security scheme.

b. Staff members obliged to stop work by an accident at work shall be entitled to continued payment of their full salaries and allowances, and shall, if employed on a fixed-term contract, be entitled to extension of that contract until either their health is recognised as restored or they are declared disabled or, at latest, up to the age of 65.

CHAPTER III: FUNDING

Article 15

Staff members affiliated to the Organisation’s Medical and Social Insurance Scheme pursuant to Article 1 of these Regulations shall contribute one-third of the cost of cover for benefits provided by the Scheme, with the exception of benefits for accidents at work or industrial diseases.

PART II: Affiliation of pensioners and former staff

CHAPTER I: GENERAL PROVISIONS

Article 16 – Affiliation

1. Subject to the provisions of Article 21, paragraph 3, below, the following persons shall be affiliated to the Organisation’s Medical and Social Insurance Scheme:
- former staff in receipt of retirement pensions under the Organisation’s Pension Scheme and aged at least 60;
- former staff in receipt of early retirement pensions under the Organisation’s Pension Scheme, regardless of age;
- former staff in receipt of disability pensions under the Organisation’s Pension Scheme, regardless of age;
- surviving spouses in receipt of survivors’ pensions within the meaning of, and subject to the conditions and limitations provided for in, the Organisation’s Pension Scheme;
- orphans or other dependants of staff members who die while still working or after qualifying for a disability pension or an immediate or deferred retirement pension, who are in receipt of orphans’ or other dependants’ pensions under the Organisation’s Pension Scheme Rules and Article 5 of Appendix IV to the Staff Regulations.

2. Apart from the cases expressly listed in paragraph 1, a former staff member of any age may be affiliated at his/her own expense to the Organisation’s Medical and Social Insurance Scheme, if he/she has so requested prior to expiry of his/her contract with the Organisation, under the special conditions laid down by the Secretary General.

3. Affiliation shall cease when the persons concerned cease to fulfil the conditions for affiliation.

Article 17 – Commencement and cessation of entitlement

1. In the cases listed in Article 16, paragraph 1, of this Part, entitlement to the benefits provided for in this Part shall begin on the date on which the beneficiary becomes entitled to the benefits provided by the Organisation’s Pension Scheme.

2. Entitlement to the benefits provided for in this Part shall cease, for any person in receipt of a pension, on the date on which he/she ceases to receive pension benefits.

3. In the case specified in Article 16, paragraph 2, of this Part, cover shall begin on the day following that on which the staff member’s contract terminates, and shall cease on the date on which he/she withdraws from the Scheme.

Article 18 – Suspension

Cover for medical treatment, on the conditions applying to the affiliated persons referred to in Article 16, paragraph 1, shall be suspended for former staff members in receipt of pension benefits under the Pension Scheme Rules who engage in a remunerated professional activity.

Article 19 – Definition of benefits and risks covered

The Secretary General shall determine by rule the nature of the expenses covered by the Organisation’s Medical and Social Insurance Scheme, and also the rates of cover, exceptions and restrictions which apply, depending on the nature or cause of the benefits.

If doubts or disputes arise concerning application of the Regulations on the Organisation’s Medical and Social Insurance Scheme, reference shall be made to the French Social Security legislation in force at the time when the event giving rise to a claim for benefits occurs.

The text of insurance policies taken out by the Organisation relating to cover for health care expenses or provident cover shall be made available to affiliated persons.

Article 20 – Exceptions – limitation and fraud – subrogation
Articles 6, 7 and 8 shall apply, mutatis mutandis, to Part II (pensioners and former staff).

CHAPTER II: BENEFITS

Article 21 – Expenses for medical treatment

1. The cost of medical treatment prescribed or provided by a qualified medical practitioner in cases of accident, illness or maternity shall be covered by the Organisation in accordance with the rules laid down by the Secretary General.

Entitlement to benefits for medical treatment shall apply to affiliated persons and persons entitled through them, viz.:

a. dependent children under the age of 18. However, supplementary cover for medical treatment may be extended, on payment of an additional contribution borne entirely by the affiliated person\(^9\), to dependent children aged more than 18 and less than 26 who are covered by Social Security schemes in their own right (students, job-seekers, etc.)\(^10\);

b. the dependent spouses of affiliated persons or persons cohabiting with affiliated persons (as unmarried partners) and totally dependent on them. In such cases, cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace-Moselle. However, supplementary cover for health care costs may be extended to that person on payment of an additional contribution borne entirely by the affiliated person\(^11\). On payment of an additional contribution borne entirely by the affiliated person\(^12\), supplementary cover may be extended to spouses or unmarried partners who are professionally active or in receipt of unemployment benefits or retirement pensions;

c. a parent or other close relation who lives in the affiliated person’s home and looks after the house and at least two of his/her dependent children below the age of 14. In such cases, cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace-Moselle. However, supplementary cover for health care costs may be extended to that person, on payment of an additional contribution borne entirely by the affiliated person\(^13\);

d. any person, but only one, who has lived with the affiliated person for at least one year and is wholly dependent on him/her (proof is required). In such cases, cover shall be limited to the amounts refundable under the local rules of the French Social Security Scheme in Alsace-Moselle. However, supplementary cover for health care costs may be extended to that person, on payment of an additional contribution borne entirely by the affiliated person\(^14\).

2. For the definition of persons entitled through affiliated persons, reference shall be made to the French Social Security legislation in force when these Regulations are adopted and to any subsequent changes in that legislation.

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3.a. Persons entitled to benefits provided for in this chapter, who are personally entitled to social protection under one or more other compulsory social insurance schemes, must always obtain the benefits due under those schemes before applying for benefits under the Organisation’s Medical and Social Insurance Scheme, from which the former benefits shall be deducted.

b. Nonetheless, a person entitled to a benefit provided for in this chapter who wishes to waive his/her right to protection under one or more other compulsory social schemes may do so, provided that he/she meets any and all additional costs incurred by the Organisation.

4. Parents who are each insured under a sickness and maternity scheme shall designate, by mutual agreement, one of them to be primarily responsible for their children in respect of claims for sickness and maternity benefits.

This designation may be made at any time. Once made, it may only be changed, by mutual agreement of the parents, after an interval of one year.

However, when one of the insured parents ceases to be entitled to sickness and maternity insurance benefits, their children shall be entitled to these benefits through the other parent.

**Article 22 – Maternity, paternity or adoption benefits**

1. Affiliated persons shall receive a lump-sum allowance on birth or adoption of a child.

2. When both parents are affiliated to the Organisation’s Medical and Social Insurance Scheme, this allowance shall be paid once, to the parent designated by both.

**Article 23 – Disability or death benefits**

1. Former permanent staff in receipt of retirement pensions under the Organisation’s Pension Scheme, who retire before the age of 65, may request maintenance of cover for death and for permanent and total disability.

2. The capital sum paid in the event of death, or of permanent and total disability, shall be that to which the former staff member would have been entitled on the date on which his/her duties ceased, under the rules applying to serving staff.

3. The capital sum, based on the staff member’s last salary prior to retirement, shall remain unchanged during the period of maintained entitlement.

4. The death grant shall be paid to the persons entitled, in accordance with the rules laid down by the Secretary General.

5. This cover shall terminate at age 65 in all cases.

6. Disability and death insurance cover shall not be open to the former staff members referred to in Article 16, paragraph 2.

**CHAPTER III: FUNDING**

**Article 24**

Persons affiliated to the Organisation’s Medical and Social Insurance Scheme under Article 16, paragraph 1, of these Regulations shall contribute one-third of the cost of cover for benefits provided by the Scheme.
However, in the cases specified in Article 21, paragraph 3b., they shall pay the entire cost of cover from the first euro, less the part payable by the Organisation in respect of supplementary affiliation.

The Secretary General shall determine the extent to which part of the cost of cover for the affiliated persons referred to in Article 16, paragraph 1, will be borne by the compulsory insurance scheme for serving staff.

Persons affiliated to the Organisation’s Medical and Social Insurance Scheme under Article 16, paragraph 2, of these Regulations shall pay the full cost of their insurance.
History of the Staff Regulations

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

Resolution Res(87)1 of 12 March 1987 amended Article 3, paragraph 1 of Appendix I.

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

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

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

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

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

Decision of the Ministers’ Deputies CM/Del/Concl(92)476 of 18 May 1992 amended Article 12, paragraph 2 of the Staff Regulations and Article 23 of Appendix II, it also added Article 22bis to Appendix II.

Resolution Res(93)36 of 7 September 1993 added Article 14 of Appendix IV.

Resolution Res(94)8 of 17 March 1994 amended Articles 11, 12 and 14 of Appendix II.

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

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

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

Decision of the Ministers’ Deputies CM/Del/Dec(96)569 of 19 June 1996 amended the Staff Regulations revised pursuant to Instruction No. 33 concerning the use of non-sexist language at the Council of Europe.

Resolution Res(96)51 of 20 November 1996 amended Articles 11, 12 and 14 of Appendix II.

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

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

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

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

Decision of the Ministers’ Deputies CM/Del/Dec(99)655/11.1 of 12 January 1999 amended Article 43 of the Staff Regulations and added Appendix XII.

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

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


Decision of the Ministers’ Deputies CM/Del/Dec(2001)778/11.7 of 19 December 2001 amended Appendix V concerning the Pension Scheme for pensions which had not been granted on 1 December 2002.

Resolution Res(2002)54 of 27 November 2002 amended Article 43 to the Staff Regulations and added Appendix V bis concerning the New Pension Scheme for permanent staff members appointed on or after 1 January 2003.


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


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

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

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

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

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


Decision of Minister’s Deputies CM/Del/Dec(2005)915/11.3 of 9 February 2005 amended Article 41, paragraph 4 of Appendix V and Article 41, paragraph 3 of Appendix V bis.

Resolution Res(2005)5 of 7 September 2005 added a Preamble to the Staff Regulations and it also amended Parts I and II thereof.


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


Resolution Res(2006)5 of 25 October 2006 added Article 45, paragraph 3 of the Staff Regulations and amended Article 9, paragraph 2 of Appendix IX.

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


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


Decision of the Ministers’ Deputies CM/Dec/Dec(2009)1045/11.2E of 14 January 2009 amended Article 6, paragraph 3, and Article 6 bis, paragraph 2, of the Pension Scheme Rules (Appendix V to the Staff Regulations) and the New Pension Scheme “NPS” (Appendix V bis to the Staff Regulations).

Resolution CM/Res(2009)2 of 18 February 2009 amended Article 11 of the New Pension Scheme “NPS” (Appendix V bis to the Staff Regulations).

Decision of the Ministers’ Deputies CM/Dec/Dec(2009)1071/11.4a,b of 25 November 2009 amended Article 41, paragraph 4 of the Pension Scheme Rules (Appendix V to the Staff Regulations) and Article 41, paragraph 3 of the New Pension Scheme “NPS” (Appendix V bis to the Staff Regulations).

Resolution CM/Res(2009)44 of 25 November 2009 replaced the Appendix to Article 41 – Actuarial studies of the Pension Scheme Rules (Appendix V to the Staff Regulations).

Resolution CM/Res(2009)45 of 25 November 2009 replaced the Appendix to Article 41 – Actuarial studies of the New Pension Scheme “NPS” (Appendix V bis to the Staff Regulations).

Resolution CM/Res(2010)1 of 24 February 2010 amended Article 7 of the New Pension Scheme “NPS” (Appendix V bis to the Staff Regulations).

Resolution CM/Res(2010)6 of 7 July 2010 amended Articles 5, 6, 7, 9 and 14 of and inserted a new Article 21 bis into Appendix II.
Resolution CM/Res(2010)7 of 7 July 2010 amended articles 7, 10, 15 and 20 of and inserted a new Article 20 bis into Appendix II; it also amended Article 2 of Appendix IV.

Resolution CM/Res(2010)9 of 7 July 2010 amended 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.

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

Resolution CM/Res(2011)3 of 16 February 2011 amended Article 17 of the Staff Regulations, amended the French version of Article 21 bis of Appendix II and amended Article 24 of Appendix II.

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

Decision of the Ministers’ Deputies CM/Del/Dec(2011)1106/11.2 of 16 February 2011 amended paragraph 4 of Article 8 of the Pension Scheme Rules (Appendix V to the Staff Regulations) and amended paragraph 4 of Article 8, paragraph 5 of Article 8 and the first indent of paragraph 3 of article 36 of the New Pension Scheme “NPS” (Appendix V bis to the Staff Regulations).

Resolution CM/Res(2011)9 of 12 October 2011 amended Article 59 of the Staff Regulations, added new Articles 61bis and 61ter to Part VIII, inserted a new paragraph into Article 21bis of Appendix II and deleted Article 26, paragraph 2, indent a of Appendix II.

Resolution CM/Res(2011)25 of 9 November 2011 added a new Article 6ter to Appendix IV.


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

Resolution CM/Res(2012)49 of 12 December 2012 amended Articles 18, 21, 22, 26, 28 and 32 of the Pension Scheme rules (Appendix V to the Staff Regulations).

Resolution CM/Res(2012)50 of 12 December 2012 amended Articles 18, 21, 22, 26, 28 and 32 of the New Pension Scheme “NPS” (Appendix V bis to the Staff Regulations).

Resolution CM/Res(2013)6 of 27 March 2013 added Appendix V ter to the Staff Regulations concerning the Third Pension Scheme “TPS” for permanent staff members taking up their duties on or after 1 April 2013.

Resolution CM/Res(2013)58 of 11 December 2013 amended Articles 1, 4, 12, 13, 15, 16, 18, 21, 22, 22 bis, 23, 47 bis, 59, 60 and 61 bis of the Staff Regulations.


Resolution CM/Res(2013)60 of 11 December 2013 amended the Regulations governing staff salaries and allowances (Appendix IV to the Staff Regulations).


Decision of the Ministers’ Deputies CM/Del/Dec(2014)1213/11.2 of 26 November 2014 amended Articles 41, paragraph 4 of the Pension Scheme Rules (Appendix V to the Staff Regulations) and Article 41, paragraph 3 of the Third Pension Scheme “TPS” (Appendix V ter to the Staff Regulations).

Decision of the Ministers’ Deputies CM/Del/Dec(2015)1234/11.4 of 10 September 2015 amended Article 8, paragraph 4 of the New Pension Scheme “NPS” (Appendix V bis to the Staff Regulations).

Decision of the Ministers’ Deputies CM/Del/Dec(2016)1256/11.1 of 11 May 2016 amended Article 5, paragraph 5 of the Third Pension Scheme “TPS” (Appendix V ter to the Staff Regulations).

Resolution CM/Res(2016)18 of 18 October 2016 amended Article 42, paragraph 4, of the Staff Regulations, the Regulations governing staff salaries and allowances (Appendix IV to the Staff Regulations), the Regulations on indemnity for loss of job (Appendix VI to the Staff Regulations), the Regulations on unpaid leave (Appendix VII to the Staff Regulations), the Regulations on part-time work (Appendix IX to the Staff Regulations) and the Regulations on the medical and social insurance scheme (Appendix XII to the Staff Regulations).

Resolution CM/Res(2019)1 of 27 February 2019 amended Articles 24, 25, 26, 28 of the New Pension Scheme “NPS” (Appendix V bis to the Staff Regulations) and the Third Pension Scheme “TPS” (Appendix V ter to the Staff Regulations) and added an Article 28 bis to the New Pension Scheme “NPS” (Appendix V bis to the Staff Regulations) and the Third Pension Scheme “TPS” (Appendix V ter to the Staff Regulations).


Resolution CM/Res(2019)46 of 21 November 2019 amended Article 2, paragraph 2, Article 9, paragraph 2 and Article 21, paragraph 1 of the Regulations on the medical and social insurance scheme (Appendix XII to the Staff Regulations), with effect from 1 January 2020.
Previous versions

Staff Regulations – in force at 31 December 2011

Staff Regulations – in force from 1 January 2012 until 11 December 2012

Staff Regulations – in force from 12 December 2012 until 31 March 2013

Staff Regulations – in force from 1 April 2013 until 31 December 2013

Staff Regulations – in force from 1 January 2014 until 10 June 2014

Staff Regulations – in force from 11 June 2014 until 31 December 2014

Staff Regulations – in force from 1 January 2015 until 9 September 2015

Staff Regulations – in force from 10 September 2015 until 10 May 2016

Staff Regulations – in force from 11 May 2016 until 31 December 2016

Staff Regulations – in force from 1 January 2017 until 26 February 2019

Staff Regulations – in force from 27 February 2019 until 31 December 2019