

**ENERGY CHARTER  
SECRETARIAT**

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Brussels, 5 June 1996

Related documents: CC 60 Rev., CC 65 Corr. 1, RD 4 (ECC of 05 06 1996)
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**DECISION OF THE ENERGY CHARTER CONFERENCE**

**Subject:      Staff Regulations**

On the advice of BC, the Conference agreed the following:

- The Staff Regulations are adopted as amended;
- Rights, benefits and allowances based on these Staff Regulations, due to be granted in the future, shall be applied to all the contracts in force for the entirety of their duration;
- The current situation in Brussels makes it unlikely that the language and rent allowances specified in 17 (d) iii and v will be of immediate relevance in the near future;
- As to Regulation 17 (c), the Chairperson of the Budget Committee will, in accordance with established practice, prior to his agreement, enter into informal consultations with Signatories and will report on his action to the next meeting of BC.:

In reply to a question from one delegation, SG indicated that in order to comply with the principle of regional balance within the staff of the Secretariat, as a rule, contracts with senior officials would be awarded for a period of 3 years, with a possibility of an extension of 1 year, and any vacancy would be indicated to delegations. The Conference agreed the Chairman's conclusions that this procedure seemed appropriate and that delegations should then nominate suitable candidates.

[Attached are the Staff Regulations of the Energy Charter Secretariat as contained in document CC 60 Rev.]

Keywords:      Staff Regulations

Brussels, 5 June 1996

**STAFF REGULATIONS OF THE ENERGY CHARTER SECRETARIAT**

**PREAMBLE**

**REGULATIONS**

The Staff Regulations as approved by the Energy Charter Conference (hereinafter referred to as the "Conference") set out the fundamental conditions of service, namely the duties and obligations as well as the basic rights of the officials constituting the staff of the Energy Charter Secretariat (hereinafter referred to as the "Secretariat"). They set forth the broad principles of staff policy; that policy is to enable officials wherever possible to pursue a career within the Energy Charter Secretariat. The Staff Rules promulgated by the Secretary-General and approved by the Conference implement the Staff Regulations.

**TITLE I**

**SCOPE OF APPLICATION AND GENERAL PROVISIONS**

**REGULATION I**

These Regulations only apply to the officials of the Secretariat appointed by the Secretary-General to posts which have been established by the Conference.

**TITLE II****DUTIES, OBLIGATIONS AND PRIVILEGES****DUTIES****REGULATION 2**

a) The officials of the Secretariat are international officials and their responsibilities are not national but exclusively international. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interest of the Secretariat in view. They shall be under the authority of the Secretary-General and responsible for the discharge of their duties and the observance of the Staff Regulations and Staff Rules and any instructions or circulars issued thereunder. In their performance of their duties they will not seek or receive instructions from any government or from any authority external to the Secretariat.

b) On taking up their duties, officials must subscribe to the following declaration:

“I solemnly declare that I will carry out the duties entrusted to me as an official of the Energy Charter Secretariat 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 interest of the Secretariat. I will not seek or accept any instructions in connection with the exercise of my functions from any government or any authority external to the Secretariat. I will refrain from any action which might reflect upon my position as an official of the Secretariat.”.

**EXTERNAL ACTIVITIES****REGULATION 3**

- a) Officials shall refrain from any action incompatible with the dignity of their functions.
- b) No official may, during the period of his appointment, engage in any occupation, hold any position, or accept any functions external to the Secretariat which in the opinion of the Secretary-General, are incompatible with the proper performance of his duties.
- c) Officials may not receive any honorary distinction or remuneration from any Government or other source external to the Secretariat without permission from the Secretary-General.

**RIGHTS OF ASSOCIATION**

**REGULATION 4**

Officials shall be entitled to exercise the right to organise, and in particular to be members of trade unions and staff bodies.

**DISCRETION - INTELLECTUAL PROPERTY****REGULATION 5**

- a) Officials and former officials shall exercise the utmost discretion in regard to all matters of official business. Except under authorisation of the Secretary-General, they shall not disclose to any unauthorised person, any unpublished or restricted information acquired by them in the course of the performance of their official duties, neither shall they make any use of such information outside their official work in the Secretariat.
- b) All rights, including titles, copyright and patent rights in any work produced by an official as part of his official duties shall be vested in or assigned to the Secretariat, unless such rights are waived by the Secretary-General in favour of the official concerned.

**PRIVILEGES, IMMUNITIES****REGULATION 6**

- a) In accordance with the relevant Articles of the Headquarters Agreement the privileges, immunities, exemptions and facilities shall apply to all officials.
- b) The Secretary-General is authorised to enter into negotiations with the competent administrations of Signatories concerning the equitable application of privileges and immunities to these officials.
- c) Privileges and immunities are granted to officials in the interests of the Conference only, not for their personal benefit, and they in no way exempt them from the observance of the laws and police regulations of the countries in which they work. Whenever such privileges and immunities are in question, the official concerned shall report immediately to the Secretary-General who will waive the immunity in accordance with the relevant Article of the Headquarters Agreement.

**TITLE III**

## **APPOINTMENTS, POSTING, TERMINATIONS**

### **APPOINTMENT**

#### **REGULATION 7**

All appointments shall be made by the Secretary-General.

### **RECRUITMENT**

#### **REGULATION 8**

- a) In recruiting staff, the Secretary-General shall give primary consideration to the necessity of obtaining the services of persons possessing the highest standards of competence and integrity. He or she shall notify Signatories of prospective vacancies.
- b) The Secretary-General shall provide, so far as possible, for an equitable distribution of senior posts amongst nationals of Signatories. No particular post shall be reserved for nationals of any specific Signatory.
- c) Officials shall be selected without reference to race, creed or sex.
- d) Officials are required to possess the degree of physical fitness needed for their posts.

### **TERMS OF APPOINTMENT**

#### **REGULATION 9**

Officials shall be appointed by a letter signed by the Secretary-General or his or her authorised representative. The letter of appointment shall determine the conditions of employment; it shall specify that the appointment is subject to the provisions of these Regulations and of the Staff Rules including any amendments and any instructions or circulars thereunder and that disputes arising from them shall be submitted to the Advisory Board as provided for in Regulation 25a).

### **DURATION OF APPOINTMENT**

#### **REGULATION 10**

- a) Officials shall be appointed for a fixed term.
- b) The first six months of service by an official shall be a probationary period. At the end of this period, the Secretary-General shall decide:
  - i) to confirm the appointment; or
  - ii) exceptionally, with the consent of this official and after consultation with the Advisory Board to prolong the probationary period for a further period of not more than six months; or
  - iii) after consultation with an Advisory Board to terminate the appointment given one month's notice or upon payment of one month's emoluments.

## **CATEGORIES OF POSTS**

### **REGULATION 11**

- a) Post shall be classified in the following categories:
 

Category A:	Administrative Staff
Category B:	General Services Staff
Category C:	Supporting Services Staff
- b) For each category the Secretary-General shall establish a schedule of classification of posts by grade which shall be submitted to the Conference for approval.
- c) The Secretary-General shall draw up an establishment table which shall be appended to the budget.
- d) The Secretary-General shall determine the nature of the functions attached to each post and shall draw specific job descriptions therefore.

## **POSTING, ADVANCEMENT AND PROMOTION**

### **REGULATION 12**

- a) The Secretary-General shall with due regard to the provisions of Regulations 8 and 9 take decisions respecting the posting, transfer, advancement and promotion of officials. Promotion is achieved by awarding a new fixed-term contract to a staff member for a higher position than previously occupied after consultation with the advisory board.

- b) Vacancies in the establishment shall be filled by new appointments, by renewals of appointments or by promotion. Where in category B the vacancy is to be filled by promotion from within the Secretariat and two or more candidates are considered by the Secretary-General to be equally qualified, the candidate with the most seniority in the Secretariat shall be the one selected for promotion.
- c) Any post which falls vacant shall be brought to the notice of the staff at least 8 working days before it is required to be filled.
- d) In considering application for posts the Secretary-General shall take account, as far as possible, of the need to provide officials with the opportunity to pursue a career within the Energy Charter Secretariat.

## **TERMINATION BY THE SECRETARY-GENERAL**

### **REGULATION 13**

- a) The Secretary-General may, after consultation with the Advisory Board terminate the appointment of an official:
  - i) if he or she considers that the official does not give satisfactory service, fails to comply with the duties and obligations set out in these Regulations, or is incapacitated for service;
  - ii) if the post of the official is suppressed, if the responsibilities attached to his post are substantially changed and the official is no longer qualified for it, or if there is any reduction in the number of posts in his grade, and there is no vacant post for which the Secretary-General considers that the official has the necessary qualifications;
  - iii) if the country of which he is a national ceases to be a Signatory;
  - iv) if the headquarters of the Secretariat or of the unit where the official is assigned are transferred to another country and the official refuses to be permanently transferred to that other country;
  - v) if the post occupied by an official is transferred and if the Secretary-General considers that the official does not have the qualifications necessary to carry out the duties required in that post or in any post that may be or may become vacant;
  - vi) as a result of disciplinary action;
  - vii) at the end of the probationary period.
- b) The termination of an appointment by the Secretary-General shall be notified in writing to the official concerned, with a statement of the grounds for such termination and on a period of notice, according to grade and length of service.

- c) The period of notice provided for in the preceding paragraph need not be observed if the appointment is terminated at the end of a fixed-term appointment, during the probationary period, or as a result of disciplinary action.
- d) If an official is on sick leave or on military service leave at the time of the notification of the termination of his appointment, the period of notice provided for in accordance with paragraph b) shall be increased by the number of days during which such official is actually on sick or on military service leave after the notification.
- e) Instead of giving the notice provided for in paragraph b) the Secretary-General may pay an official whose appointment is terminated the emoluments and allowances due for the period of notice.

## **RESIGNATION**

### **REGULATION 14**

Any official may resign upon giving the Secretary-General notice of at least three months. The Secretary-General may, however, accept a shorter period of notice.

## **AGE LIMIT**

### **REGULATION 15**

Officials shall not be retained in service beyond the age of sixty-five years.

## **NON-ACTIVE STATUS**

### **REGULATION 16**

- a) An official may be placed on non-active status:
  - i) for a period of not more than three years upon the expiry of his sick leave provided for in Regulation 22 g);
  - ii) as a rule, for a period of not more than two years upon the expiry of his leave for military service provided for in Regulation 22 h);
  - iii) for a period of not more than two years for personal reasons.
- b) An official placed on non-active status shall not be entitled to any salary or allowances but may be granted benefits pursuant to Regulation 19. The post of that official shall fall vacant. The period spent on non-active status shall not be considered as effective service with the Secretariat.



- c) An official placed on non-active status as specified in paragraphs a) i), ii) or iii) shall be entitled to reinstatement in his category and grade, if a post corresponding to his qualifications and aptitude should fall vacant.

**TITLE IV**  
**SALARIES AND ALLOWANCES**

**REGULATION 17**

- a) Salaries and allowances, shall be aligned on those applicable to staff of the Coordinated Organisations working in Belgium and shall be submitted to an internal tax system. Annual adjustments of the basic salary scales shall be based on the index calculated according to the procedure of these organisations. This may result in a decision to grant the salary index in full, in part or not at all.
- b) In conformity with paragraph a) of this Regulation the Secretary-General shall make Staff Rules to establish scales of salaries by categories, grades and steps.
- c) The Secretary-General is authorised to implement salary and allowance changes mentioned above under a) and approved by the Coordinated Organisations as soon as they become known, subject to the prior agreement of the Chairperson of the Budget Committee and the availability of adequate appropriations within the Secretariat's budget. The Secretary-General shall report to the Conference on the action taken at the earliest opportunity.
- d) The Secretary-General shall also follow Staff Rules determining the conditions of entitlement to the following allowances and their respective amounts:
  - (i) household and dependant's allowances;
  - (ii) an expatriation allowance;
  - (iii) a language allowance;
  - (iv) an installation allowance;
  - (v) a rent allowance;
  - (vi) an acting allowance;
  - (vii) an education allowance;
  - (viii) an allowance for a handicapped child, and reimbursement of educational or training expenses related to the handicap.

**REMOVAL, TRAVEL AND MISSIONS**

**REGULATION 18**

Officials may receive reimbursement of travel and removal expenses incurred in the service of the Secretariat as established by the Staff Rules.

## **STAFF BENEFITS AND GRANTS**

### **REGULATION 19**

Officials may receive benefits as established by these Regulations and the Staff Rules and, in particular:

- (a) benefits in case of sickness, accident, disablement, birth or death;
- (b) benefits in those cases so provided on termination of service in the Energy Charter Secretariat.

## **CURRENCY OF EMOLUMENTS**

### **REGULATION 20**

The salaries, allowances, and benefits due to an official by virtue of Regulation 17 and 19 shall be paid in Belgian Francs.

## **RECOVERY OF UNDUE PAYMENT**

### **REGULATION 21**

- (a) Any sum paid in error to an official shall be recovered from subsequent monthly pay. If the amount is substantial the Secretary-General may authorise recovery by instalments. However, where the Secretary-General is satisfied that the recipient could not reasonably have been expected to realise that he had been, or might have been overpaid and that recovery would cause hardship he may authorise remission of the amount involved subject to a limit of BF 20.000. The Budget Committee may, after full consideration of the facts and if the Secretary-General so recommends, authorise remission beyond his limit.
- (b) All amounts paid in error and not recovered shall be written off as losses and shall be brought to the notice of the Auditors and noted in the annual accounts in accordance with the Financial Rules.

**TITLE V****GENERAL REGULATIONS****WORKING CONDITIONS****REGULATION 22**

- a) The hours or work of the staff of the Secretariat shall be determined by the Secretary-General, who shall also decide on what conditions members of the staff may be employed part-time.
- b) When an official is required to work overtime he or she shall be entitled to compensation within the limits and according to the conditions laid down in the Staff Rules.
- c) The Secretary-General may, as their normal working hours, require officials to do night work. An official doing night work shall be entitled to an allowance.
- d) The public holidays to which an official shall be entitled shall be determined in accordance with Belgian government practice.
- e) An official shall be entitled to paid annual leave at the rate of two and a half working days for each month of service completed.
- f) Officials who are entitled to the expatriation allowance shall be entitled to eight days supplementary leave, once every two years, for the purpose of visiting their homes. Travel expenses in respect of home leave shall be reimbursed to the officials concerned.
- g) Officials shall be entitled to paid sick leave as prescribed in the Staff Rules.
- h) The Secretary-General may grant to an official called to serve in the national armed forces of a Signatory, unpaid military service leave at the rate of 15 days for each year of service.
- i) The Secretary-General shall provide for paid maternity leave in accordance with Belgian practice.
- j) The Secretary-General may grant special paid leave, up to a maximum of eight days in any one year.
- k) The Secretary-General may grant unpaid leave for urgent or private reasons.

## **TRAINING**

### **REGULATION 23**

The Secretary-General shall facilitate such further training and instruction for officials as is compatible with the proper functioning of the service and is in accordance with the interest of the Secretariat and the officials. Such training and instruction shall be taken into account for the purposes of promotion their careers.

## **DISCIPLINE**

### **REGULATION 24**

Any failure by an official or former official to comply with his obligations under these Regulations and Staff Rules, whether intentional or through negligence on his part, shall make him liable to disciplinary action.

## **DISPUTES**

### **REGULATION 25**

- a) The Secretary-General shall establish an Advisory Board comprising a Chairman from outside the Secretariat (initially the Chairman of the Conference), and four other members, two of whom shall be nominated by the staff of the Secretariat. This Board shall advise the Secretary-General, at the request of the official concerned:
  - (i) on any individual dispute arising from a decision of the Secretary-General and which an official, former official or the duly qualified claimants to their rights consider inequitable to themselves or contrary to the terms of the appointment or to the provisions of these Regulations or of applicable Rules;
  - (ii) when the official considers that an administrative decision on job classification is inequitable to him or her or contrary to the provisions of these Regulations or of other applicable Rules.
- b) The Secretary-General shall establish, as the need arises and in accordance with the standards and practices of international organisations, administrative judicial arrangements for the resolution of individual disputes arising from a decision of the Secretary-General, which he or she has taken on his or her own authority or in application of a decision of the Conference and which officials, former officials or the duly qualified claimants to their rights consider as prejudicial to themselves, including as elements of such arrangements:
  - the jurisdiction to resolve, with due regard to vested rights, all questions regarding the interpretation and application of these Regulations, of any applicable Rules and of the terms of appointment;

- the power to annul such decisions of the Secretary-General as are contrary to the terms of appointment of the official concerned or the provisions of these Regulations or to any applicable Rule; and
- the power to order the Secretariat or the Conference to redress any damage resulting from any irregularity committed by the Secretary-General.

## **FINAL PROVISIONS**

### **REGULATION 26**

- a) These Regulations may be amended by the Conference, which shall pay due regard to the rights vested in officials at the time of the amendment.
- b) These Regulations shall come into force on 5 June 1996.