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REGULATIONS FOR MEMBERS OF THE SECONDED STAFF OF THE EUROPEAN SCHOOLS

Amended¹ by:

1. Decision of the Board of Governors of 5-7 December 2017 – Document 2017-10-D-20-en-2
2. Decision of the Board of Governors of 22 February 2018 (Written procedure N°2018/06, initiated on 8 February 2018, ended on 22 February 2018) - Document 2018-01-D-63-en-3 Corrigendum
3. Decision of the Board of Governors of 12 March 2018 (Written procedure N°2018/13, initiated on 26 February 2018, ended on 12 March 2018) - Document 2018-01-D-72-en-3
4. Decisions of the Board of Governors of 17, 18 and 19 April 2018 - Document 2018-01-D-44-en-3
5. Decision of the Board of Governors of 4-7 December 2018 – Document 2018-09-D-31-en-4
6. Decision of the Board of Governors (Written procedure N° 2019/08, initiated on 11 February 2019, ended on 25 February 2019) – Document 2019-01-D-72-en-3
7. Decision of the Board of Governors of 9-12 April 2019 – Document 2019-01-D-56-en-3
8. Decision of the Board of Governors of 3-5 December 2019 – Document 2019-09-D-5-en-4
9. Decision of the Board of Governors of 15-17 April 2020 (Written procedure N°2020/40 of 23 June 2020) – Document 2020-04-D-26-en-3
10. Decision of the Board of Governors (Written procedure N° 2021/05, initiated on 22 January 2021, ended on 5 February 2021) – Document 2021-01-D-21-en-3

¹ Amendments as from 5-7 December 2017

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Preamble

THE BOARD OF GOVERNORS OF THE EUROPEAN SCHOOLS

Having regard to the CONVENTION DEFINING THE STATUTE OF THE EUROPEAN SCHOOLS,

Having regard to the SUPPLEMENTARY PROTOCOL OF 15 DECEMBER 1975 ON THE SETTING-UP OF A EUROPEAN SCHOOL IN MUNICH,

Whereas:

The Convention defining the Statute of the European Schools makes certain changes to the nomenclature which should also be incorporated into the Regulations for Members of the Seconded Staff of the European Schools.

The Regulations for Members of the Seconded Staff of the European Schools are based, in the case of a number of provisions, on the Staff Regulations of Officials of the European Communities. The provisions which entered into force with the reform of the latter set of Staff Regulations should be incorporated into the Regulations for Members of the Seconded Staff

HAS DECIDED TO ADOPT the duly amended Regulations for Members of the Seconded Staff of the European Schools, as follows:

TITLE I
GENERAL PROVISIONS
CHAPTER 1 – SCOPE AND DEFINITIONS

Article 1

These Regulations shall apply to members of the executive (Directors, Deputy Directors and Assistant Deputy Directors), teaching and supervisory staff and to managerial staff seconded to the European Schools by their national authorities.

1. For the purposes of these Regulations, '**STAFF SECONDED TO THE EUROPEAN SCHOOLS**' means any person who fulfils the necessary requirements in accordance with Article 12(3) and (4) (a) of the Convention defining the Statute of the European Schools, and who, within the limits of the posts fixed by the establishment chart of each School, is made available to these Schools by the competent public authority pursuant to an official instrument.
2. The term '**EUROPEAN SCHOOL**' or '**SCHOOL**' shall apply to each educational establishment set up by decision of the Board of Governors, and to the Office of the Secretary-General.
3. The term '**STAFF**' shall apply to all the categories described in Article 6.
4. The term '**SCHOOL YEAR**' shall apply to the period from 1 September to 31 August of the following calendar year.
5. The term '**SECONDED**' shall denote all forms of secondment or availability in accordance with respective national practices.

Article 2

The Directors and the Secretary-General shall be responsible for ensuring implementation of these Regulations within the scope of their respective competence.

The Boards of Inspectors (Primary and Secondary) shall ensure the sound educational and administrative management of the staff, within the framework of the competence devolved to them by the Convention defining the Statute of the European Schools and the Rules of Procedure for the Board of Governors.

Article 3

The date on which secondment takes effect may not be prior to the date on which the member of staff takes up his duties. In the case of Directors, Deputy Directors for the secondary cycle and the nursery and primary cycle and Assistant Deputy Directors, teaching and supervisory staff, if the presence of the person concerned is required, it may be a maximum of one week before the actual date on which the school year begins.

If a member of staff arrives in the middle of the school year, secondment shall take effect on the date on which he actually takes up his duties.

The secondment of staff who arrive at the beginning of the school year shall take effect on 1 September.

Article 4

1. No secondment, within the framework of the posts provided for in the establishment chart of the Schools referred to in Article 5, may be made for any purpose other than that of filling a newly created post or a post which has become vacant following the departure of its holder.

In the case of teaching and supervisory staff, a proposal from and the opinion of the Director shall be required.

2. At the request of a member of the teaching or supervisory staff, on the advice of the Director and on a proposal from the relevant national Inspector, the seconding authority may authorise a transfer from one School to another. However, such authorisation may only as a rule be granted once, on completion of the first five years of secondment. It shall in no way modify the total length of secondment (nine years) referred to in Article 29 of these Regulations.
3. The rules for transfer for Directors and Deputy Directors for the nursery and primary and for the secondary cycle are laid down in the Implementing Regulations provided for in Article 9.
4. The rules for transfer for Assistant Deputy Directors for the nursery and primary and for the secondary cycle are laid down in the Implementing Regulations provided for in Article 9 bis.

Article 5

A table showing the number of posts shall appear in the budget of each of the Schools and of the Office of the Secretary-General.

Article 6

The posts covered by these Regulations shall be classified in the following categories:

- (a) Executive staff:
 - Director
 - Deputy Director for the secondary cycle
 - Deputy Director for the nursery and primary cycle
 - Deputy Director for Finance and Administration
 - Assistant Deputy Director for the secondary cycle
 - Assistant Deputy Director for the nursery and primary cycle

- (b) Teaching and supervisory staff
- Secondary school teacher
 - Teacher qualified to teach lower secondary classes only
 - Primary school teacher
 - Nursery school teacher
 - Principal educational adviser
 - Educational adviser with a teaching qualification
 - Educational adviser holding a secondary school certificate and without teaching qualifications
 - Librarian
- (c) Managerial staff
- Deputy Secretary-General
 - Senior Assistant to the Secretary-General responsible for an administrative unit
 - Central Accounting Officer
 - Financial Controller
 - Assistant Financial Controller
 - Head of administrative unit
 - Administrative and Legal Officer

Article 7

Pursuant to a decision by the Secretary-General, any member of staff, with the exception of the Central Accounting Officer and the Financial Controller, may be called upon to occupy temporarily a post other than the one to which he was appointed, provided that he has the qualifications required to hold the post. For Deputy Directors and Assistant Deputy Directors for the secondary cycle and nursery and primary cycle, and teaching and supervisory staff, the decision shall be taken on a proposal from the Director.

The Assistant Financial Controller may be called upon to occupy temporarily the post of Financial Controller.

From the beginning of the fourth cumulative month of his temporary posting, he shall receive an allowance equal to the difference between the basic salary carried by his post and his step therein and that corresponding to his step if he were to be appointed to the post of which he is the temporary holder. The duration of a temporary posting shall not exceed one year. Where necessary, on production of documentary evidence to that effect, a temporary posting may be extended, up to a maximum of two years, after the opinion of the relevant national Inspector has been sought for Directors, Deputy Directors for the secondary cycle and the nursery and primary cycle, Assistant Deputy Directors and for teaching and supervisory staff.

Article 8

1. The members of the seconded staff in the European Schools are represented by two representatives of staff, one for the nursery and primary cycle and one for the secondary cycle.
2. Together with two representatives of the Locally Recruited Teachers, they comprise the 'Teaching Staff Committee' in each school. The rights and procedures of the 'Teaching Staff Committee' and the 'Inter-Schools Teaching Staff Committee', comprised of members of the Teaching Staff Committees of the schools, are set up in the 'Implementing Rules Establishing the Rights and Procedures of the Representation of the Teaching Staff of the European Schools'.

CHAPTER II – CATEGORIES OF STAFF

Article 9

1. **DIRECTORS** and **DEPUTY DIRECTORS for the secondary cycle and the nursery and primary cycle** of the European Schools shall, pursuant to Article 12(3) of the Convention defining the Statute of the European Schools be appointed by the Board of Governors in accordance with a procedure laid down by implementing regulations.
2. The Implementing Regulations for the appointment of Directors and Deputy Directors, plus a description of the profile of these posts and the length of their holders' secondment, as laid down by the Board of Governors, are contained in Annex I to these Regulations.

Article 9 bis

ASSISTANT DEPUTY DIRECTORS for the secondary cycle and the nursery and primary cycle of the European Schools shall be appointed by the Director in accordance with a procedure laid down by Implementing Regulations.

Article 10

1. **SECONDARY SCHOOL TEACHERS, PRIMARY SCHOOL TEACHERS, EDUCATIONAL ADVISERS, PRINCIPAL EDUCATIONAL ADVISERS AND LIBRARIANS** seconded in accordance with Article 1 of the Regulations shall have the qualifications and meet the conditions necessary for an equivalent post in their country of origin. In addition, they shall have a thorough knowledge of a second Community language. Knowledge of the language of the place of employment is desirable.
2. They shall carry out the duties assigned to them by the Director, including such occasional duties as are necessary for the proper functioning of the School which may be requested of them.
3. In the interest of the proper functioning of the School and in order to meet teaching requirements, a teacher may be asked, after the opinion of the national Inspector has been sought, to give instruction in a subject other than the one in which he has specialist knowledge but which is akin to it.
4. Where they are suitably qualified, primary school teachers may be required, after the opinion of the national Inspector has been sought, to teach part-time in the lowest secondary classes. For such teaching duties they shall receive the salary corresponding to the section in which they are required to teach, in proportion to the number of hours which they teach in secondary classes.

Article 11

Deputy Directors for Finance and Administration appointed in accordance with Article 1 of these Regulations shall have the qualifications and meet the conditions necessary for an equivalent post in their country of origin.

They shall carry out the duties assigned to them by the Director, particularly in the administrative and financial fields, such as:

- budgetary, financial, procurement and accounting/accounting correspondent tasks,
- tasks related to internal control environment,
- tasks related to security, safety matters,
- tasks related to administrative and human resources management matters.

Article 12

1. **THE DEPUTY SECRETARY-GENERAL** shall be appointed by the Board of Governors.
2. **HEADS OF ADMINISTRATIVE UNITS** and **THE ADMINISTRATIVE AND LEGAL OFFICER** shall be appointed by the Secretary-General.
3. They shall have the qualifications and meet the conditions necessary for an equivalent post in their country of origin.

They shall carry out the duties assigned to them by the Secretary-General in accordance with a procedure laid down by implementing regulations.

Article 13

The **Central Accounting Officer**, the **FINANCIAL CONTROLLER** and the **ASSISTANT FINANCIAL CONTROLLERS** shall be appointed by the Board of Governors as provided for in the Financial Regulation. They shall perform the duties assigned to them under the provisions of the Financial Regulation.

TITLE II

RIGHTS AND OBLIGATIONS OF STAFF

CHAPTER I – RIGHTS

Article 14

The School shall facilitate such **FURTHER PROFESSIONAL TRAINING** for members of staff, organised by the Board of Inspectors, as is compatible with the requirements of the proper functioning of the School. It is desirable for this further training also to serve the interests of the staff, with a view in particular to their subsequent reintegration into their countries of origin.

Article 15

Members of staff shall be entitled to exercise the **RIGHT OF ASSOCIATION**; they may in particular be members of trade unions or professional associations.

Article 16

The contents of the **ADMINISTRATIVE FILE** and of the **EDUCATIONAL FILE** are governed by a text adopted by the Board of Governors contained in Annex III to these Regulations.

CHAPTER II – OBLIGATIONS

Article 17

1. A member of staff shall perform his duties and conduct himself solely in the interests of the School, in accordance, in particular, with the instructions laid down in the General Rules of the European Schools referred to in Article 10 of the Convention defining the Statute of the European Schools and with the school rules.
2. A member of staff shall not, without first obtaining the permission of the Secretary-General, accept, in his official position, any gift or payment from any source outside the School to which he belongs, except for services rendered or work carried out before his secondment to the European School.

He shall not give lectures or produce material on the School or its problems without the consent of the Director or, where appropriate, the Secretary-General.

3. A member of staff wishing to engage in an activity of a professional nature or to carry out an assignment outside the Schools, whether gainful or otherwise, in agreement with the national Inspector in the case of Directors, Deputy Directors for the secondary cycle and the nursery and primary cycle, Assistant Deputy Directors, teaching and supervisory staff, must obtain permission from the Secretary-General. Permission shall be refused if the activity or assignment is such as to impair the member of staff's ability to perform his duties or to be detrimental to the interests of the Schools.

Article 18

A member of staff shall abstain from any action and, in particular, any public expression of opinion which may reflect on his position and impair his ability to maintain his duty of loyalty towards the School.

A member of staff shall exercise the greatest discretion with regard to all facts and information coming to his knowledge in the course of or in connection with the performance of his duties.

He may not, in any manner whatsoever, disclose to any person any document or information of an administrative or educational nature not considered public.

He shall continue to be bound by this obligation after leaving the service of the European School.

Article 19

A member of staff shall supply to the administration of the School all information relevant to his rights and obligations under these Regulations. Where there is any change to the circumstances as notified at the time of secondment or thereafter, the member of staff shall inform the administration within a maximum period of three months.

Article 20

The authority responsible, within the meaning of Article 1(1), shall consider the case of any member of staff who has been elected to public office. This authority shall, having regard to the importance of the office and the duties it entails for the holder, as specified in the Implementing Regulations, decide whether the member of staff should continue in his post.

Article 21

A member of staff shall reside either in the place where he is employed or at no greater distance therefrom than is compatible with the proper performance of his duties.

Article 22

- (1) A member of staff,
 - (a) in post in the Schools shall be under the authority of the Director with respect to all internal operating procedures and of that of his national Inspector with respect to pedagogical assessment,
 - (b) in post in the Office of the Secretary-General, with the exception of the Central Accounting Officer, the Financial Controller and of the Assistant Financial Controllers, shall be under the authority of the Secretary-General;and shall be responsible to the above-mentioned authorities for performance of the duties assigned to him.
- (2) The special rules applicable to the Central Accounting Officer, the Financial Controller and to the Assistant Financial Controllers are laid down in the Financial Regulation.

Article 23

A member of staff shall be required to make good, in whole or in part, any damage suffered by the Schools as a result of misconduct on his part.

Where members of staff incur civil liability for damage caused either by a pupil in their care or to a pupil in the same circumstances, the School's liability shall be substituted for that of staff. In the event of professional misconduct, the School shall reserve the right to take all appropriate measures against the member of staff concerned.

The School shall take out adequate insurance to cover its own and its staff's liability in respect of third parties.

Article 24

Although enjoying the provisions contained in the agreements concluded between the Board of Governors and the Government of the country in which the School is situated, a member of staff shall fulfil his private statutory obligations and comply with the laws and police regulations in force.

Article 25

Directors, Deputy Directors for the secondary cycle and the nursery and primary cycle, Assistant Deputy Directors, teaching and supervisory staff shall be required to attend meetings of the Councils and Committees set up and to participate in other activities organised under the General Rules of the School, in accordance with the procedures specified in the said Rules.

Attendance at these Council and Committee meetings and participation in other activities shall not be remunerated.

TITLE III
CAREER OF A MEMBER OF STAFF

CHAPTER I
RECRUITMENT

Article 26

Prior to secondment, a candidate nominated by the competent public authority shall be required to produce a medical certificate of fitness, issued no more than three months previously by the national health service to which he belongs.

The **MEDICAL CERTIFICATE OF FITNESS** shall be included in the administrative file referred to in Article 16 of these Regulations.

Article 27

1. The **SCALE** shall be divided into 12 incremental steps.
2. The step at which a member of staff is placed on the scale relating to his post shall be that corresponding to the number of years of relevant professional experience to his credit, as follows.

<i>Step</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>
<i>Years' experience</i>	<i>Up to 5 years</i>	<i>More than 5 years Up to 10 years</i>	<i>More than 10 years Up to 15 years</i>	<i>More than 15 years Up to 20 years</i>	<i>More than 20 years Up to 25 years</i>	<i>More than 25 years Up to 30 years</i>	<i>More than 30 years</i>

The number of years of relevant professional experience shall be determined by the Secretary-General in accordance with the arrangements laid down in Annex V to these Regulations.

3. No member of staff may be placed higher than the 7th step on the scale in question on appointment. Thereafter, two-yearly increments shall be granted.

Article 28

1. Before they can be confirmed in their posts, all members of staff, with the exception of Directors, Deputy Directors for the secondary cycle and the nursery and primary cycle, Assistant Deputy Directors, the Deputy Secretary-General, the Central Accounting Officer, the Financial Controller and the Assistant Financial Controllers, shall serve a probationary period, which shall end:
 - (a) for members of the teaching and supervisory staff, after the second school year following their appointment;

- (b) for managerial staff and the Deputy Director for Finance and Administration after 12 months.
2. A **REPORT**, concerning the ability of the probationer to perform the duties pertaining to his post and also his integration into the teaching and/or administrative community, shall be drawn up,
- (a) after 1 January of the year of renewal of secondment for teaching and supervisory staff. This report shall be drawn up by both the national Inspector and the Director, who may delegate the evaluation to members of the pedagogical executive staff as defined in Article 6 (a) of these Service Regulations. In the event of disagreement, the national Inspector's report shall preponderate;
 - (b) at the end of the twelfth month of service for managerial staff, with the exception of the Deputy Secretary-General, the Central Accounting Officer, the Financial Controller and the Assistant Financial Controllers. This report shall be drawn up by the Secretary-General;
 - (c) at the end of the twelfth month of service for the Deputy Director for Finance and Administration. This report shall be drawn up by the Director and the Secretary-General.
3. The report shall be sent to the Office of the Secretary-General not later than:
- (a) 20 January of the current school year for teaching and supervisory staff
 - (b) within one month of the end of the probationary period for managerial staff and the Deputy Director for Finance and Administration.
4. On the basis of the report, and by a deadline of thirty calendar days of its reception, the Secretary-General shall notify the member of staff concerned of the decision as to whether or not he is to be confirmed in his post.
5. Where during his probationary period a member of staff is prevented, by sickness, accident or maternity leave, from performing his duties for one month or more continuously, the seconding authority, on a proposal from the national Inspector in agreement with the Director, or the Secretary-General, depending on the category of staff concerned, may extend the probationary period by the corresponding length of time. Under no circumstances may the total probationary period extend beyond the third school year for teaching and supervisory staff and beyond the second year for managerial staff.

6. A report on the probationer may be made at any time during the probationary period if his work is proving obviously inadequate. In the case of staff who have not proved adequate for confirmation in their post, secondment shall be terminated.

CHAPTER II

LENGTH OF SECONDMENT

Article 29

At the end of the probationary period referred to in Article 28 of these Regulations:

- (a)
 - (i) The secondment of a member of the teaching or supervisory staff as defined in Article 6(b) of these Regulations for whom a confirmation decision has been taken shall be extended for a three-year period, minus any lengthening of the probationary period, renewable once for four years.
 - (ii) The total period of secondment of a member of the teaching or supervisory staff may not be more than nine years, except as specified in this article.
 - (iii) Notwithstanding national provisions, in special, duly justified cases, on request of the Director or on request of the seconding authority an extension up to a maximum period of another three years may be granted, if this is agreed between the seconding authority, the Director and the teacher.
 - (iv) In the case of a member of the teaching or supervisory staff whose secondment takes effect in accordance with Article 3 of these Regulations during the period from 1 September to 31 December, the secondment shall, for the purpose of Articles 28 and 29(a) (i) and (ii) above, be deemed in all cases to have taken effect from 1 September of the first school year of the secondment. An extension up to three years may be granted in accordance with Article 29(a) (iii) above.
 - (v) In the case of a member of the teaching or supervisory staff whose secondment takes effect in accordance with Article 3 of these Regulations on or after 1 January, the secondment shall, for the purpose of Articles 28 and 29(a) (i) and (ii) above, be deemed to have taken effect from 1 September of the following school year.
- (b) Without prejudice to Article 29(a) above and notwithstanding national provisions on secondment, the seconding authority may agree on further secondments of members of the teaching and supervisory staff provided that between the last secondment and the new secondment the member of the teaching or supervisory staff has returned to a national system for a minimum period of three years and his/her last evaluation within the European Schools was positive.
- (c) The secondment of managerial staff as defined in Article 6(c) of these Regulations shall be confirmed for either a specified or an unlimited period.

- (d) The length of secondment of members of the Directors and Deputy Directors for the secondary cycle and the nursery and primary cycle are laid down in the 'Implementing Regulations for the appointment of Directors and Deputy Directors'.
- (e) The length of secondment of the Assistant Deputy Directors for the secondary cycle and the nursery and primary cycle are laid down in the 'Implementing Regulations for the Appointment of Assistant Deputy Directors'.
- (f) The length of secondment of Deputy Directors for Finance and Administration shall not exceed five years in the same School. On request of the Director concerned and taking into account recent results of internal and external audits, a further prolongation of the secondment to the same School for a period of a maximum of three years may be granted by the Secretary-General in agreement with the seconding authority, under the condition that mitigating controls or desensitising measures related to the sensitive tasks to be accomplished by the Deputy Director for Finance and Administration are in place.

The Secretary-General will inform the Board of Governors about the prolongation of the secondment.

Further prolongations of the secondment of the Deputy Directors for Finance and Administration to other European Schools will be possible under the same conditions.

CHAPTER III

PERFORMANCE EVALUATION

Article 30

The ability, efficiency and conduct in the service of each member of the teaching and supervisory staff and of Assistant Deputy Directors and Deputy Directors for the secondary cycle and the nursery and primary cycle shall be the subject of a **PERFORMANCE EVALUATION REPORT** drawn up by both the Director and the national Inspector, in accordance with the arrangements laid down in the Implementing Regulations. In the event of disagreement, the Inspector's report shall preponderate.

Performance evaluation reports on managerial staff, with the exception of the Deputy Secretary-General, the Central Accounting Officer, the Financial Controller and the Assistant Financial Controllers, shall be drawn up by the Secretary-General.

The performance evaluation report of the Deputy Director for Finance and Administration shall be drawn up by the Director and the Secretary-General.

These reports shall be communicated to the persons concerned, who shall have five working days in which to submit any comments thereon in writing before signing them.

CHAPTER IV

TERMINATION OF SERVICE

Article 31

SERVICE SHALL BE TERMINATED by:

- (a) resignation;
- (b) early recall by the competent public authority which arranged the secondment;
- (c) removal from post following disciplinary proceedings;
- (d) redundancy in the interests of the service in reference to Article 35;
- (e) expiry of the period of secondment;
- (f) removal from post for incompetence;
- (g) the limits laid down for long-term sick leave, referred to in Article 41 of these Regulations;
- (h) retirement by the competent public authority which arranged the secondment;
- (i) death.

Section 1 – RESIGNATION

Article 32

A member of staff may submit a written request, through his immediate superior, to be relieved of his duties. The request shall be sent to the seconding authority and to the Secretary-General at least six months before

- (a) the end of the school year for Directors, Deputy Directors for the secondary cycle and the nursery and primary cycle and Assistant Deputy Directors, teaching and supervisory staff;
- (b) the date on which they wish their service to terminate for the Deputy Director for Finance and Administration and the managerial staff.

The time period laid down may be shortened if the competent public authority to which the member of staff belongs is in a position to provide a replacement.

Section 2 - EARLY RECALL BY THE COMPETENT PUBLIC AUTHORITY WHICH ARRANGED THE SECONDMENT

Article 33

The end of the period of secondment of a member of staff shall be brought forward where the person concerned is recalled for duly justified reasons.

In this case, the national public authority shall provide replacements in time for staff who are recalled.

Section 3 - REMOVAL FROM POST FOLLOWING DISCIPLINARY PROCEEDINGS

Article 34

For reasons of serious failure in professional duty and in accordance with the procedure laid down in Article 75 of these Regulations in respect of disciplinary action, the Secretary-General shall request the competent national authority to terminate the secondment of the member of staff concerned.

Section 4 - REDUNDANCY IN THE INTERESTS OF THE SERVICE

Article 35

A member of staff's service shall be terminated when in the interests of the service, he is deprived of his post and cannot be assigned to another post within the Schools, or corresponding to the obligations laid down in Article 12(4) of the Convention defining the Statute of the European Schools. In this case, the member of staff concerned shall receive, in addition to the severance grant and the resettlement allowance, a monthly allowance equal to his basic salary for three months, paid in the currency applied at the exchange rate used for the calculation of salaries paid in a currency other than the euro and with the weighting for the country of origin.

TITLE IV

WORKING CONDITIONS OF STAFF

CHAPTER I

DUTIES

Article 36

Members of staff shall be at the disposal of the European Schools for the performance of duties.

However, the staff's **NORMAL ATTENDANCE** shall be as follows:

1. Directors

Because of their responsibilities, Directors shall in principle be required to be in attendance at the School during school hours throughout the school year.

2. Deputy Directors for the secondary cycle and the nursery and primary cycle and Assistant Deputy Directors shall in principle be in attendance at the School during school hours throughout the school year, except, where appropriate, for absences authorised by the Director connected with teaching duties.

3. Secondary school teachers

Teachers shall teach a minimum of 21 periods a week.

The following rules shall be applied to calculate the teaching load of secondary school teachers:

(i) For years s1 to s6 all periods where the teacher has a class/group with fewer than 12 pupils shall be weighted as 0.9 period.

(ii) For classes taught to year s7 all periods shall be weighted as 1 period.

Teachers shall be required, as needs arise, to maintain order between classes, and, in rotation, during breaks, on the basis of a roster drawn up by the Director.

These duties shall not be remunerated.

4. Primary school and nursery school teachers

Primary school and nursery school teachers shall have a basic teaching load of 25.5 hours a week, including the recreation periods provided for in the harmonised timetables approved by the Board of Governors.

Teachers shall, moreover, be required to supervise pupils regularly before and after the school day, on their arrival and their departure, with the exception of the midday break, on the basis of a roster drawn up by the Director. These duties shall not be remunerated.

5. Principal educational advisers¹ and Educational advisers; Librarians

Principal educational advisers, Educational advisers and Librarians shall work a 40-hour week, in accordance with a timetable drawn up by the Director.

In special circumstances, and provided that they have the requisite teaching qualifications, these staff may, on a proposal from the Board of Inspectors and subject to the authorisation of the Secretary-General, be required to teach up to four lessons, in which case one teaching period shall be regarded as equivalent to one and a half hours' normal duties.

6. Managerial staff and Deputy Directors for Finance and Administration

Managerial staff and the Deputy Directors for Finance and Administration shall work a 40-hour week, in accordance with a general timetable drawn up by the Secretary-General.

Article 37

Members of the teaching and supervisory staff may work paid **OVERTIME** where so required for duly justified reasons.

Overtime may not amount to more than two periods or hours over and above the maximum basic weekly teaching load. In special cases the number of extra periods may be increased to four for the secondary section.

Overtime shall be paid in accordance with the arrangements laid down in Article 51 of these Regulations. There shall be no remuneration for overtime worked during holiday periods of one week or more.

¹ The occupational category 'Principal Educational Adviser' will be replaced gradually over the coming years.

Article 38

1. A member of staff may be required, on the basis of a roster drawn up by the Director or by the Secretary-General in their respective areas of competence, to **REPLACE** colleagues who are briefly absent. Such replacements shall not be remunerated additionally.

From the seventh calendar day's absence, or immediately if the absence is expected to last for more than six days, the Director or the Secretary-General in their respective areas of competence shall take the steps necessary to engage a substitute, who shall be remunerated in accordance with Annex VII.

2. The responsibilities inherent in the organisation and supervision of examinations shall form part of a teacher's duties and shall not be remunerated.
3. Because of the requirements of the service, members of the managerial staff employed in the Office of the Secretary-General may be obliged to remain at the disposal of the Secretary-General outside normal working hours. Such occasional duties shall not be remunerated.

CHAPTER II

LEAVE

Article 39

1. Directors, Deputy Directors for the secondary cycle and the nursery and primary cycle and Assistant Deputy Directors shall have the same **SCHOOL HOLIDAYS** as the pupils, with a maximum of six weeks during the summer holidays.
2. Teaching and supervisory staff shall have the same school holidays as the pupils.

However:

- (a) teaching staff may be asked to be in attendance at the School on the first two days and the last four days of the summer holidays
 - (b) educational advisers and librarians may be required to perform their duties on the first six days and the last six days of the summer holidays.
3. Managerial staff and the Deputy Director for Finance and Administration shall be entitled to **ANNUAL LEAVE** of not less than 24 days nor more than 30 working days per calendar year, in accordance with the rules of the European Schools.

Article 40

1. In the event of their being unable to perform their duties as a result of **SICKNESS or ACCIDENT**,
 - (a) Directors shall inform the Secretary-General, who shall ascertain that arrangements have been made to replace them;
 - (b) Deputy Directors, Assistant Deputy Directors and members of the teaching, supervisory in post in the Schools shall inform the Director immediately;
 - (c) Members of the managerial staff employed in the Office of the Secretary-General shall inform the Secretary-General immediately.

The Director or his representative will operate a system for recording days' absence because of sickness to which the members of the Board of Inspectors will have access at all times during their school visits.

2. A member of staff shall produce a **MEDICAL CERTIFICATE**, stating the probable period of incapacity, if he is absent for more than two days.

All certificates received will be noted in the system for recording absences because of sickness.

The Director or, where appropriate, the Secretary-General shall be empowered to check on absences in whatever manner they deem most appropriate.

The outcome of the check will be noted in the recording system and, where appropriate, the member of staff will be informed in writing.

If, over a period of twelve months, a member of staff is absent for up to two consecutive days because of sickness for a total of more than ten days, he shall be required to produce a medical certificate for any further absence because of sickness, whatever the duration.

Where appropriate, the member of staff will be notified in writing, in accordance with this article; a copy of this notification will appear in the system for recording absences because of sickness.

3. A member of staff who is absent because of sickness may, at his request, resume his duties on a part-time basis if he produces a medical certificate in support of his request. The period of part-time work will be taken into account for purposes of calculating absence on long-term sick leave.

Where appropriate, the Director or his representative will take a decision on this request. The member of staff concerned will be notified of the decision in writing, in accordance with this provision.

4. Members of staff shall undergo a **MEDICAL CHECK-UP** organised by the School every two years.

A member of staff shall undergo a medical check-up at the duly substantiated request of either the Director or the national Inspector, should they wish to satisfy themselves of the fitness for duty of the person concerned.

Check-up costs shall be payable entirely by the Sickness Fund of the European Schools, in accordance with the provisions laid down for Community officials.

5. At the end of each school year, the Director shall forward to the national authorities a list of the periods of absence of the members of staff.

In addition, the seconding national authority and the Inspectors shall be informed of any absence of Directors, Deputy Directors for the secondary cycle and the nursery and primary cycle and Assistant Deputy Directors, teaching and supervisory staff of longer than four weeks in duration. The seconding national

authority and the Inspectors shall likewise be informed if permission for part-time work is given to these staff by the Director.

Article 41

1. (a) In cases where a member of staff is absent on sick leave for an unbroken period of six months without being medically authorised actually to return to work full-time for at least one month, he shall be placed on '**LONG-TERM SICK LEAVE**', starting from the first day of sickness.

School holidays or leave lasting at least two weeks shall be excluded for purposes of calculation of the minimum one-month period of return to work.

The member of staff concerned will be notified in writing of this decision and the consequences, the grounds being set out, as provided for in this article. At the same time, the member of staff concerned will be notified in writing of the appeal possibilities open to him. A copy of this notification will be sent to the competent public authority which arranged the secondment.

- (b) During long-term sick leave, the member of staff concerned shall be entitled:

1° during the first six months, to the full remuneration which he was receiving prior to the start of his sickness, without prejudice to regular advancement to a higher step or pay increases. There shall be no payment for overtime not worked.

2° during the next six months, to 50% of his remuneration.
However, he shall continue to receive 100% family allowances.

Contributions to the sickness insurance scheme shall be calculated on the basis of the total basic salary and the amounts owed by the person concerned.

However, if the sums paid to the member of staff concerned by the competent public authority which arranged his secondment are higher than this reduced remuneration, he shall be entitled to retain the difference between the two sums.

2. The Director shall refer to the Secretary-General and, for the Directors, Deputy Directors for the secondary cycle and the nursery and primary cycle, Assistant Deputy Directors and teaching and supervisory staff, to the national Inspector, the case of any member of staff whose **CUMULATIVE SICK LEAVE**, including the leave referred to in Article 40(3), exceeds twelve months over a period of three years.

A copy of this notification will be sent to the competent national authority which arranged the secondment.

3. At the end of the periods provided for under 1. and 2., the secondment of the member of staff concerned shall be terminated and he shall then be placed at the disposal of the competent public authority which arranged the secondment. The

opinion of the relevant Inspector shall be required in the case of Directors, Deputy Directors for the secondary cycle and the nursery and primary cycle and Assistant Deputy Directors or a member of the teaching and supervisory staff.

4. The Secretary-General may, on a reasoned proposal from the Director and after hearing the relevant Inspector, depart from this provision concerning the consequences of 'long-term sick leave'. The Secretary-General will notify the member of staff concerned of his decision in writing, setting out the grounds on which it is based. A copy of this notification will be sent to the competent national authority which arranged the secondment.

Article 42

1. Pregnant women shall be entitled, on production of a medical certificate, to **MATERNITY LEAVE** starting six weeks before the expected date of confinement shown in the certificate and ending fourteen weeks after the date of confinement; such leave shall not be for less than twenty calendar weeks.

In the case of multiple or premature birth or the birth of a child with a disability or serious illness, the duration shall be 24 weeks. Premature birth for the purposes of this provision is a birth taking place before the end of the 34th week of pregnancy.

2. **ADOPTION LEAVE** shall be granted to a member of staff who adopts a minor child. Such leave shall be of 20 weeks.

In case of multiple adoptions on the same date or if the child is disabled or seriously ill the leave shall be of 24 weeks.

Every adopted child shall confer entitlement to only one period of special leave. It may be shared between the adoptive parents if both are seconded staff members. It shall be granted only if the seconded staff member's spouse engages in a gainful activity at least half-time. If the spouse is not a seconded staff member and benefits from comparable leave, a corresponding number of days shall be deducted from the seconded staff member's entitlement.

The Secretary-General or the Director may, in cases of necessity, grant additional special leave where the national legislation of the country where the adoption procedure takes place and which is not the country hosting the European School to which the seconded staff member is seconded requires a stay of one or both adoptive parents.

Where a seconded staff member is not entitled to 20 weeks' or 24 weeks' leave for adoption by reason of the third subparagraph of this paragraph, he is granted special leave of 10 working days, 12 working days in the case of multiple adoptions on the same date or 20 days if the child is disabled or seriously ill. That additional special leave shall be granted only once for each child.

The member of staff concerned shall submit a request for such leave to the Secretary-General or the Director, as the case may be, one month beforehand.

3. At the written request of the member of staff and with the agreement of his or her seconding authority, the School may authorise the suspension of the period of secondment for reasons of **PARENTAL LEAVE** on the grounds of the birth or adoption of a child to take care of that child until a maximum age of eight years.

The request shall be submitted by the staff member to the Director at least three months before the requested starting date. In duly justified cases of emergency the period of three months is reduced to four weeks.

During such suspension and without prejudice to Article 55.7 of these Service Regulations the member of staff shall not be entitled to any kind of remuneration referred to under Title V, Chapter I or reimbursement of expenditures referred to under Title V, Chapter II of these Service Regulations.

Notwithstanding national provisions imposing a longer minimum duration for parental leave, the suspension shall not exceed a maximum of four months per child and shall only be taken en block.

The period of suspension shall not extend the period of secondment as defined in Article 29.

Article 43

1. In so far as the requirements of the service allow, and to enable the member of staff concerned to deal with urgent personal matters or to meet obligations to his immediate family, **ABSENCES OF SHORT DURATION** may be authorised, in accordance with the arrangements determined by the Board of Governors:
 - (a) by the Director, for Deputy Directors, Assistant Deputy Directors and members of the teaching, supervisory staff in post in a School;
 - (b) by the Secretary-General, for Directors and for managerial staff in post in the Office of the Secretary-General.
2. Special leave without pay on personal grounds and leave with reduced duties, other than for medical reasons, as provided for in Article 41, shall not be authorised.

Article 44

A **LIST OF SCHOOL HOLIDAYS AND PUBLIC HOLIDAYS** shall be drawn up annually for each School by the Secretary-General, on a recommendation from the Administrative Board, and within the framework of the general provisions adopted by the Board of Governors.

TITLE V
EMOLUMENTS AND SOCIAL SECURITY BENEFITS OF STAFF

CHAPTER I
REMUNERATION

Article 45

The remuneration paid to the member of staff shall comprise:

1. basic salary;
2. payment for overtime;
3. family allowances;
4. other allowances.

Article 46

1. Payment of remuneration to members of staff shall be made on the fifteenth day of each month for the month then current.
2. Where remuneration is not due in respect of a complete month, the month shall be divided into thirtieths.
3. Where entitlement to family allowances and expatriation allowances commences after the date of entering the service, the member of staff shall receive these from the first day of the following month. On cessation of such entitlement, the member of staff shall receive the sum due up to the last day of the month in which entitlement ceases.

Article 47

1. A member of staff's remuneration shall be expressed in euro.
The amount of remuneration shall be rounded off to the nearest euro cent above.
2. It shall be paid to the member of staff at the place and in the currency of the country where he carries out his duties.

Remuneration paid in a currency other than the euro shall be calculated on the basis of the **EXCHANGE RATE** applied for the remuneration of officials of the European Communities.

3. A member of staff's remuneration shall be **WEIGHTED** at a rate above, below or equal to 100%, as laid down and adjusted for officials of the European Communities.

The amounts laid down in these Regulations correspond to a weighting of 100%.

Article 48

The Board of Governors shall each year adjust the remuneration of members of staff, in conformity with the adjustment of the remuneration of officials of the European Communities.

Section 1 – BASIC SALARY

Article 49

1. In accordance with this chapter and save as expressly provided otherwise, a member of staff shall be entitled to the remuneration carried by his post and his step in the salary scale for such a post, as laid down in Annex IV to these Regulations.
2. (a) The competent national authorities shall pay the national emoluments to the member of staff.

A member of staff shall declare in full to the Director of the School all national emoluments received by him and shall supply supporting documents (pay slip) specifying all the components taken into account for calculation purposes, including compulsory social security deductions and taxes.

- (i) In accordance with Article 19, a member of staff shall supply to the Director of the School the pay slip drawn up by his seconding authority whenever any change is made to one of its components, within three months of its receipt.

Without prejudice to the application of Articles 75 et seq., a member of staff who fails to comply with the obligation referred to under (i) will be subject to a retroactive regularisation of the calculation of his salary once the information has been passed on.

- (ii) A member of staff shall supply to the Director of the School every year the pay slip applicable for the national emoluments received during the month of August, no later than 30 September.

Without prejudice to the application of Articles 75 et seq., a member of staff who fails to comply with the obligation referred to under (ii) will be subject to the following cumulative consequences:

- in the event of failure to do so by 31 December of the same year, the monthly national tax taken into account in point 2.(c) of this Article will

provisionally be considered to be zero as from the 1st January until the actual supply of the contentious pay slip;

- in the event of failure to do so by 31 March of the following year, the eligibility for the payments referred to in point 2.(b) will be suspended as from the 1st April until the pay slip is actually supplied.

In case the request for communication of supporting documents by the School and failure by a member of staff to comply with the obligation referred to in (i) and (ii), the five years period referred to in Article 73 of these Regulations does not apply.

- (b) The School shall pay the difference between the remuneration provided for in these Regulations and the exchange value of all national emoluments, minus compulsory social security deductions. The exchange value shall be converted into the currency of the country in which the member of staff performs his duties, on the basis of the exchange rates used for the salaries of officials of the European Communities.

These exchange rates shall be compared with the monthly exchange rates in force for the implementation of the budget. Should there be a difference of 5% or more in one or more currencies compared with the exchange rates used hitherto, an adjustment shall be made from that month. Should the trigger threshold not be reached, the exchange rates shall be updated after six months at the latest.

If the exchange value is higher than the remuneration provided for in these Regulations for a calendar year, the member of staff concerned shall be entitled to the difference between the two sums.

- (c) Should 80% of the monthly amount levied in taxes on the national salary be different from the amount which would be levied on the remuneration provided for in these Regulations pursuant to the regulations applicable to officials of the European Communities laying down conditions and procedures for applying the tax for the benefit of the Community, a provisional positive or negative adjustment, equal to the difference between the above two amounts, shall be made in order to ensure an equal salary for members of staff from different countries of origin.

The final calculation of this adjustment shall be made on the basis of the tax notice (notice of assessment) drawn up by the national tax authorities, disregarding income other than national salary but ensuring that any tax advantages reducing the amount of national tax payable are taken into consideration. This tax notice shall be sent by the member of staff to the administration of the School within a maximum period of 30 working days of its receipt.

Should a member of staff fail to comply with the obligation to submit the tax notice (notice of assessment) for year N-3 referred to in the second paragraph of point 2.(c), the national tax deducted for that year N-3 will be regarded as zero¹.

3. Directors and the Central Accounting Officer shall qualify for a special allowance equal to 15% of their basic salary.

Article 50

1. A temporary measure regarding remuneration, to be known as the 'solidarity levy', shall be applied from 1 January 2014 to 31 December 2023.
 2. The rate of this solidarity levy, which shall apply to the base defined in paragraph 3, shall be 6%.
 3. (a) The base for the special levy shall be the basic salary used to calculate remuneration, minus
 - (i) social security and pension contributions and the tax, before special levy, payable by an official of the Communities with the same basic salary and without dependants within the meaning of Article 2 of Annex VII of the Staff Regulations of Officials of the European Union

and
 - (ii) an amount equal to the basic salary of an official in grade 1, step 1.(b) The components used to determine the base for the solidarity levy shall be expressed in euro and weighted at 100.
 4. The solidarity levy shall be deducted monthly at source; the proceeds shall be entered as revenue in the budget of the European Schools.
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Section 2 – OVERTIME AND REPLACEMENTS

Article 51

Payment for overtime and for the replacements referred to in Articles 37 and 38 is laid down in Annex VII; the amount shall be adjusted on the occasion of the annual review of remuneration, as provided in Article 48.

Payment for overtime shall be subject to the same criteria as those applied to the normal teaching load.

Section 3 – FAMILY ALLOWANCES

Article 52

1. **FAMILY ALLOWANCES** shall comprise:

- (a) household allowance;
- (b) dependent child allowance;
- (c) education allowance.

2. (a) A member of staff in receipt of the family allowances specified in paragraph 1. above shall declare allowances of like nature to which he or his spouse or dependent children are entitled. Such latter allowances shall be deducted from the family allowances paid by the School.

(b) In addition, a member of staff in receipt of dependent child allowance or education allowance shall declare the net annual remuneration of any dependent child in gainful employment. Such remuneration shall be deducted from the total of the aforementioned allowances paid by the School in respect of that child.

(c) To this end, the member of staff concerned shall make an annual declaration in September of the amount of such allowances from other sources and of other such remuneration, and shall provide supporting documents. Failing that, payment of the allowances specified in paragraph 1 above shall be suspended.

(d) Where, by virtue of Articles 53(5), 54(7) or 55(3), family allowances are paid to a person other than the member of staff, that other person shall similarly declare allowances of like nature to which he is entitled. Such latter allowances, calculated on the basis of the exchange rates and weightings referred to in the above articles, shall be deducted from the family allowances paid by the School.

Article 53

1. The household allowance shall be set at a basic amount, plus 2% of the basic salary of the person entitled. The basic amount will be adjusted as part of the annual review of remuneration and will be set out in Annex IX to these Regulations.
2. The household allowance shall be granted to:
 - (a) a married member of staff,
 - (b) a member of staff who is widowed, divorced, legally separated or unmarried and has one or more dependent children within the meaning of Article 54(2) and (3) of these Regulations;
 - (c) a member of staff who is registered as a stable non-marital partner, provided that
 - (i) the couple produces a legal document recognised as such by a Member State, or any competent authority of a Member State, acknowledging their status as non-marital partners,
 - (ii) neither partner is in a marital relationship or in another non-marital partnership,
 - (iii) the partners are not related in any of the following ways: parent, child, grandparent, grandchild, brother, sister, aunt, uncle, nephew, niece, son-in-law, daughter-in-law,
 - (iv) the couple has no access to legal marriage in a Member State; a couple shall be considered to have access to legal marriage for the purposes of this point only where the members of the couple meet all the conditions laid down by the legislation of a Member State permitting marriage of such a couple;
 - (d) by special reasoned decision of the Secretary-General, based on supporting documents and on the recommendation of the Administrative Board, a member of staff who, while not fulfilling the conditions laid down in (a), (b) and (c) above, nevertheless actually assumes family responsibilities.
3. If the spouse of a member of staff is gainfully employed, with an annual income before deduction of tax, of more than the basic annual salary of an official in the second step of grade 3, weighted at the rate for the country where the spouse carries out his or her occupation, the member of staff entitled to the household allowance shall not receive this allowance save by special decision of the appointing authority. The member of staff shall, however, be entitled to the allowance where the married couple have one or more dependent children.
4. In cases where, under the foregoing provisions, a husband and wife employed in the service of the European Schools are both entitled to the household allowance, this shall be payable only to the person whose basic salary is the higher.

5. If the member of staff is entitled to the household allowance only by virtue of paragraph 2(b) and a person other than the member of staff has by law or by an order of court or of the competent administrative authority been given custody of all his dependent children within the meaning of Articles 54 (2) and (3) below, the household allowance shall be paid to that other person in the name and on behalf of the member of staff. This condition shall be deemed to be fulfilled in the case of dependent children who have reached their majority if such children have their normal residence with the other parent.
6. If, however, the children of the member of staff are in the care of several different persons, the household allowance shall be divided among them according to the number of children in their care. These allowances shall be paid in the currency of the country in which that person is resident, calculated where applicable on the basis of the exchange rates used for the implementation of the general budget of the European Communities on 1 July of the year the current salaries were fixed. They shall be subject to the weighting for the country in question if it is inside the Communities or to a weighting equal to 100 if the country of residence is outside the Communities.
7. If the person eligible by virtue of the foregoing to receive the household allowance paid in the name of the member of staff is also eligible to receive this allowance by reason of his or her own status as member of staff, that person shall receive the higher of the two allowances only.

Article 54

1. In accordance with the provisions of (2) and (3) below, a member of staff shall receive a child allowance for each dependent child, the amount of which is laid down in Annex IX to these Regulations.
2. 'Dependent child' means the legitimate, natural or adopted child of a member of staff, or of his spouse, who is actually being maintained by the member of staff.

The same shall apply to a child for whom an application for adoption has been lodged and the adoption procedure started.

Any child whom the official has a responsibility to maintain under a judicial decision based on Member States' legislation on the protection of minors shall be treated as a dependent child.

3. The allowance shall be granted:
 - (a) automatically for children under 18 years of age;
 - (b) on application, with supporting evidence, by the member of staff for children between 18 and 26 who are receiving educational or vocational training.

4. The dependent child allowance may be doubled by a special reasoned decision of the Secretary-General based on medical documents establishing that the child is suffering from a mental or physical handicap which involves the member of staff in heavy expenditure.
5. Any person whom the member of staff has a legal responsibility to maintain and whose maintenance involves heavy expenditure may, exceptionally, be treated as if he were a dependent child by special reasoned decision of the Secretary-General, based on supporting documents.
6. Payment of the allowance in respect of a child prevented by serious illness or invalidity from earning a livelihood shall continue throughout the period of that illness or invalidity, irrespective of age.
7. Not more than one dependent child allowance shall be paid in respect of any one dependent child within the meaning of this Article.
8. If custody of the dependent child within the meaning of paragraphs 2 and 3 has been entrusted by law or by an order of court or of the competent administrative authority to another person, the dependent child allowance shall be paid to that person in the name and on behalf of the member of staff. These allowances shall be paid in the currency of the country in which that person is resident, calculated where applicable on the basis of the exchange rates used for the implementation of the general budget of the European Communities on 1 July of the year the current salaries were fixed. They shall be subject to the weighting for the country in question if it is inside the Communities or to a weighting equal to 100 if the country of residence is outside the Communities.

Article 55

1. Subject to the conditions laid down in the general implementing provisions for Officials of the Communities, a member of staff shall receive an education allowance equal to the actual education costs incurred by him up to a maximum amount, laid down in Annex IX, for each dependent child, within the meaning of Article 54(2) of these Regulations, who is at least five years old and in regular full-time attendance at a primary or secondary school which charges fees or at an establishment of higher education. The requirement of attendance at a school which charges fees shall not apply to the reimbursement of the cost of school transport.
2. Entitlement to this allowance commences on the first day of the month in which the child begins to attend a primary educational establishment and shall cease at the end of the month in which the child reaches the age of 26, whatever is the earliest.

4. The allowance paid shall be subject to a ceiling of twice the maximum prescribed in the first subparagraph for:
 - for a member of staff whose place of employment is at least 50 km from, either
 - o an European School, or
 - o an educational establishment working in his language which the child attends for imperative educational reasons duly supported by evidence;
 - for a member of staff whose place of employment is at least 50 km from an establishment of higher education in the country of which he is a national or working in his language, provided that the child actually attends an establishment of higher education at least 50 km from the place of employment and the member of staff is entitled to the expatriation allowance; the latter condition shall not apply if there is no such establishment in the country of which the member of staff is a national or where the child attends a higher education establishment in a country other than that of the member of staff's place of employment.
4. The requirements of attendance at a school that charges fees shall not apply to payments under paragraph 3.
5. If custody of the child in respect of whom the education allowance is paid has been entrusted by law or by an order of court or of the competent administrative authority to another person, the education allowance shall be paid to that person in the name and on behalf of the member of staff. In such case, the distance of at least 50 km referred to in the preceding paragraph shall be calculated from the place of residence of the person having custody of the child. These allowances shall be paid in the currency of the country in which that person is resident, calculated where applicable on the basis of the exchange rates used for the implementation of the general budget of the European Communities on 1 July of the year the current salaries were fixed. They shall be subject to the weighting for the country in question if it is inside the Communities or to a weighting equal to 100 if the country of residence is outside the Communities.
6. For each dependent child within the meaning of Article 54(2) of these Regulations who is less than five years old or is not yet in regular full-time attendance at a primary or secondary school, the amount of this allowance per month is fixed and set out in Annex IX. Paragraph 5 shall apply.
7. Members of staff shall be exempt from the payment of school fees for their children enrolled in the European Schools.

Section 4 – OTHER ALLOWANCES

Article 56

1. Members of staff appointed, seconded or assigned to the School by governments other than that of the country in which the School is situated shall be paid an **EXPATRIATION ALLOWANCE** equal to 16% of the total amount of the basic salary, plus household allowance and dependent child allowance to which they are entitled. The expatriation allowance shall not be less than the amount laid down in Annex IX.

2. This provision shall not apply to members of staff who during the five years ending six months before they entered the service did habitually reside or carry on their main occupation within the European territory of the State where the School is situated. For the purpose of this provision, circumstances arising from work carried out in the service of their government shall not be taken into account.

Article 56 bis

1. Where the difference between the monthly national emolument referred to in Article 49.2 and the basic salary referred to in Article 49.1 of these Service Regulations is lower than € 1.000 per month, the member of staff shall be entitled to a **COMPENSATION ALLOWANCE** up to € 1.000. This allowance shall warrant a minimum difference of € 1.000 between the monthly national emolument and the basic salary and a potential expatriation allowance as referred to in Article 56 of these Service Regulations.
2. The allowance shall be paid once per year at the end of the school year and will not be offset with other allowances or payments.

Article 57

1. (a) An **INSTALLATION ALLOWANCE** equal to one month's or two months' basic salary, subject to the conditions laid down in point 2., shall be paid to a seconded member of staff who furnishes evidence of having been obliged to change his place of residence and of having actually settled at his place of employment in order to comply with Article 21 of these Regulations.

(b) The allowance shall be paid in two instalments, on production of documents establishing the fact that the member of staff has actually settled at his place of employment:
 - the first, at the time of installation,
 - the second, at the beginning of the second year of service.

The allowance shall be paid in a lump sum where a member of staff is transferred in the interests of the service.

2. An installation allowance shall be payable on the following terms:
 - (a) two months' basic salary, to a member of staff who is entitled to the household allowance and who furnishes evidence that he has actually settled with his family at the place where he is employed, provided that the installation takes place within the periods laid down in Article 62(4) of these Regulations;
 - (b) one month's basic salary, to a member of staff who is not entitled to the household allowance or whose family does not settle at his place of employment.
3. (a) A member of staff in receipt of installation allowances shall declare immediately allowances of like nature to which he or his spouse are entitled. Such latter allowances shall be deducted from the installation allowance paid by the School.
 - (b) In cases where a husband and wife employed in the service of the European Schools are both entitled to the installation allowance, this shall be payable only to the person whose basic salary is the higher.
4. The installation allowance shall be calculated by reference to the member of staff's marital status and salary on the date of his taking up his appointment and, where applicable, on the date of his transfer to a new place of employment.

The installation allowance shall be paid on production of documents establishing the fact that the member of staff has settled at his place of employment as, where applicable, has his family, if he is entitled to the household allowance.

5. A member of staff who on recruitment has received an installation allowance and who, before the minimum period of five school years has elapsed, has resigned and whose service has thus been terminated within the meaning of Article 31 or has been relieved of his duties following resignation within the meaning of Article 75(3) (c), shall, on leaving the service, refund part of the allowance, in proportion to the unexpired portion of that five- year period.

Should a member of staff resign for compelling personal or family reasons, the Secretary-General may decide to forgo the refund.

Article 58

- 1.(a) A **RESETTLEMENT ALLOWANCE**, of an amount calculated on the basis of the provisions for the installation allowance referred to in Article 57(1)(a), in accordance with the procedures laid down in Article 57(2) of these Regulations, shall be paid to a member of staff on termination of service.
 - (b) This allowance shall be paid in a lump sum.

- (c) The resettlement allowance shall be weighted at the rate fixed for the place where the member of staff was last employed.
2. A member of staff who leaves the School:
- at the end of the fifth school year at the earliest
 - and
 - for reasons other than termination of service following the removal from post referred to in Article 75(3) (c) of these Regulations
- shall qualify for the resettlement allowance.
3. (a) A member of staff in receipt of resettlement allowance shall declare immediately allowances of like nature to which he or his spouse are entitled. Such latter allowances shall be deducted from the resettlement allowance paid by the School.
- (b) In cases where a husband and wife employed in the service of the European Schools are both entitled to the resettlement allowance, this shall be payable only to the person whose basic salary is the higher.
4. The requirement as to length of service laid down in point 2. above shall not apply in cases of redundancy.
5. In the event of the death of an established member of staff, the resettlement allowance shall be paid to the surviving spouse or, in the absence of such a person, to the dependants within the meaning of Article 54, even if the requirement as to length of service laid down in point 2 above is not satisfied.
6. The resettlement allowance shall be calculated by reference to the member of staff's marital status and salary at the date of termination of service.
7. The resettlement allowance shall be paid against evidence that the member of staff and his family or, where the member of staff has died, his family only, have changed the place of residence.

Resettlement of a member of staff or of the family of a deceased member of staff shall take place within one year of the date of termination of his service.

CHAPTER II

REIMBURSEMENT OF EXPENDITURE

Article 59

1. In accordance with this chapter, a member of staff shall be entitled to reimbursement of the expenses which he has incurred on taking up his appointment, on transfer, where applicable, on termination of service and in the performance of his duties.
2. A member of staff entitled to reimbursement of the expenses which he has incurred subject to the conditions laid down in this chapter shall immediately declare any sums of like nature to which he or his spouse are entitled. Such latter sums shall be deducted from the aforementioned sums paid by the School.
3. A member of staff's **PLACE OF ORIGIN** shall be determined when he takes up his appointment, account being taken of the place of recruitment or the centre of his interests, as defined in the Community public service.

Place of recruitment means the place where the member of staff was normally resident at the time of his recruitment. Centre of interests means the place where the member of staff retains his main family ties, his assets in the form of built immovable property and his essential interests of a civic nature, both assets and liabilities.

When all the factors taken into account for determination of the centre of interests have ceased to exist in the course of the member of staff's career, the Secretary-General may, at the request of the member of staff concerned and on the basis of supporting evidence, agree once only to revision of the place of origin, if a new centre of interests can be defined.

The effect of such a change shall not, however, be such as to recognise as the centre of the member of staff's interests a place outside the territories of the Member States of the European Union.

4. Should a member of staff's previous place of employment have been situated outside the European territory of the Member States, the Capital of the country of which he is a national shall be regarded as the place of origin when he takes up his appointment.
5. The **PLACE OF EMPLOYMENT** in a European School shall be the place where the School is situated.

For the Schools situated in the territory of Brussels-Capital, the place of employment shall be considered one and the same.

Section 1 – TRAVEL EXPENSES

Article 60

1. A member of staff shall be entitled to reimbursement of **TRAVEL EXPENSES** for himself, his spouse and his dependants actually living in his household:
 - (a) on taking up his appointment, from the place of origin to the place of employment,
 - (b) on termination of service within the meaning of Article 31 of these Regulations, from the place of employment to the place of origin,
 - (c) on any transfer involving change of place of employment.

In the event of the death of a member of staff, his spouse and dependants shall be entitled to reimbursement of travel expenses under the same conditions.

2. Travel expenses shall cover:
 - the price of first-class rail transport by the shortest route,
 - the cost of seat reservations and of transport of luggage,
 - supplements for sleeping accommodation (double sleeper) (reimbursed against production of sleeper tickets) where the journey includes not less than six hours of night travel between 22.00 and 07.00.

Where the route referred to in the first indent exceeds 500 km and in cases where the usual route includes a sea-crossing, or where in the case of routes provided for in the above two indents, air travel is more economical than rail travel, the member of staff concerned shall be entitled, on production of the tickets, to reimbursement of the cost of travel by air in economy class.

Where a means of transport other than those mentioned above is used, calculation of reimbursement shall be based on the cost by rail in the appropriate class, excluding sleeping accommodation, or the cost by air, if it is more economical. Where calculation on this basis is not possible, the terms of reimbursement shall be determined by special reasoned decision of the Secretary-General.

Article 61

1. Members of staff entitled to the expatriation allowance shall be entitled, within the limit set out in paragraph 2, in each school year to a flat-rate payment corresponding to the cost of travel from the place of employment to the place of origin as defined in Article 59 of these Regulations for themselves and, if they are entitled to the household allowance, for the spouse and dependants within the meaning of Article 54.

Where a husband and wife are both members of staff, each has the right in respect of himself or herself and in respect of dependants to the flat-rate payment of travelling expenses, in accordance with the above provisions; each dependant shall be entitled to one payment only. The payment in respect of dependent children is fixed at the request of the husband or wife, on the basis of the place of origin of one or other of them.

Where a member of staff marries during a given school year and thereby becomes entitled to the household allowance, the travel expenses payable for the spouse shall be calculated in proportion to the period from the date of the marriage to the end of the school year.

Any alteration to the basis of calculation which may arise from changes in family status after the date of payment of the sums in question shall not render the member of staff concerned liable to make repayment.

Travel expenses for children aged less than two years during the entire school year shall not be reimbursed.

2. The flat-rate payment shall be based on an allowance per kilometre of distance between the member of staff's place of employment and place of origin.

Where the place of origin as defined in Article 59 of these Regulations is outside the territories of the Member States of the European Union as well as outside of the countries and territories listed in Annex II to the Treaty on the Functioning of the European Union and the territories of the Member States of the European Free Trade Association, the flat-rate payment shall be based on an allowance per kilometre of geographical distance between the staff member's place of employment and the capital city of the Member State whose nationality he holds. Staff members whose place of origin is outside the territories of the Union as well as outside the countries and territories listed in Annex II of the Treaty on the Functioning of the European Union and the territories of the Member States of the European Free Trade Association and who are not nationals of one of the Member States shall not be entitled to the flat-rate payment.

The kilometric allowance is set out in Annex IX to these Regulations.

To the above kilometric allowance a flat-rate supplement shall be added, which is likewise set out in Annex IX.

The kilometric allowances and flat-rate supplements shall be adapted every year in the same proportion as remuneration.

3. A member of staff whose service is terminated in the course of a school year for any reason other than death shall, if he is in active employment in the service of

the European Schools for less than nine months of that year, be entitled only to part of the flat-rate payment provided for in paragraph 1 and 2, calculated in proportion to the time actually spent in the service of the Schools.

Section 2 – REMOVAL EXPENSES

Article 62

1. The expenses incurred in respect of **REMOVAL** of furniture and personal effects from the place of origin to the place of employment, including the cost of insurance against ordinary risks (breakage, theft, fire), shall be reimbursed to a member of staff who is obliged to change his place of residence in order to comply with Article 21 of these Regulations and who has not been reimbursed in respect of the same expenses from another source.
2. Such reimbursement shall not exceed the amount of an estimate approved in advance, following scrutiny of not less than three estimates submitted to the appropriate departments of the School.

If they consider the estimates to be excessive, the said departments may select another removal firm. In the latter case, entitlement to reimbursement may be limited to the amount of that firm's estimate.

3. On termination of service or on the death of a member of staff, the expenses incurred in respect of removal from the place where he was employed to his place of origin shall be reimbursed.

Where the deceased was unmarried, the expenses shall be reimbursed to those entitled under him.

4. Removal shall be effected within 12 months of the member of staff's definitively taking up his appointment.

On termination of service, removal shall be effected within a maximum of three years.

Removals effected after the expiry of the time limits set out in this paragraph shall be reimbursed only in exceptional cases and by special decision of the Secretary-General.

5. In cases of transfer to another European School, removal expenses shall be reimbursed in accordance with the procedures laid down in paragraphs 1, 2 and 4.

Article 63

1. A member of staff travelling on mission and holding an appropriate travel order shall be entitled to reimbursement of travel expenses and to daily subsistence allowance in accordance with the following provisions.
2. The travel order shall state the probable duration of the mission, on the basis of which shall be calculated any advance which the member of staff may draw against the daily subsistence allowance. Save where a special decision is taken, no advance shall be payable where the mission is not expected to involve an absence of more than 24 hours and is to be carried out in a country using the same currency as that used in the place where the member of staff is employed.
3. Save in special cases, to be determined by special decision and in particular where a member of staff is called back from leave, reimbursement shall be limited to the cost of the most economical journey between the place of employment and the place of mission which does not require the official on mission to extend his stay significantly.

Article 64 Travel expenses

1. Travel by rail

Travel expenses for missions carried out by rail shall be reimbursed on presentation of supporting documents on the basis of the cost of transport in first class by the shortest route between the place of employment and the place of the mission.

On presentation of supporting documents the following travel expenses shall also be reimbursable:

- cost of seat reservations;
- supplements for special fast trains;
- supplements for sleeping accommodation (single sleeper) where the journey includes not less than six hours of night travel between 22.00 and 7.00.

The used tickets should be attached to the mission expenses claim form.

2. Travel by air

Members of staff shall be authorised to travel by air if the outward and return journeys by rail would total at least 800 kilometres.

Flights shall be reserved in economy or a comparable class at the lowest fares available, bearing in mind the timetable for the official business and/or the specific features of the mission, for each leg of a journey comprising up to four hours of uninterrupted actual flying time.

Should the conditions to qualify for the fare require a weekend stay at the destination (so-called 'Sunday rule'), additional daily subsistence allowances may be granted, in so far as this is justified by the cost-benefit ratio.

Business class air travel may be authorised if the member of staff is accompanying the Secretary-General.

The used air tickets and the original boarding cards should be attached to the mission expenses claim form.

3. Travel by sea

The Secretary-General shall authorise in each case the classes to be used and the cabin supplements which may be reimbursed.

4. Travel by car

Travel costs shall be reimbursed in the form of a lump sum based on the rail cost, in accordance with point 1, no other supplement shall be paid.

In the case of a member of staff travelling on mission in special circumstances, however, the authorising officer may decide to grant the member of staff an allowance per kilometre covered, instead of the reimbursement of travel costs provided for above, if the use of public transport presents clear disadvantages or if the cost-benefit ratio is more favourable as a result of several members of staff using the car. In that case the person on mission shall receive a flat-rate allowance per kilometre as laid down in Annex IX.

A member of staff authorised to use his own car remains fully liable for any accidents to his car or to third parties. He must be in possession of an insurance policy covering his civil liability up to an amount considered adequate by the authorising officer.

Article 65

1. The daily subsistence allowance shall be paid as a flat-rate amount and shall be considered to cover breakfast and two main meals, local travel, the cost of telecommunications, including fax and Internet, and all other sundries. Accommodation costs, including local taxes, shall be reimbursed up to a maximum fixed for each country, on production of supporting documents.
2. The scale of daily allowances and the hotel ceiling for missions in the EU Member States are set out in Annex IX.

3. The daily subsistence allowance shall be calculated in accordance with the following provisions:

Length of the mission:

- 6 hours or less: 0.2 of the daily allowance and in addition any transport costs on the basis of supporting documents;
- 6-12 hours: half the daily allowance;
- 12-24 hours: the daily allowance;
- 24-36 hours: one and a half times the daily allowance;
- 36-48 hours: twice the daily allowance;
- 48-60 hours: two and a half times the daily allowance, etc.

Staff must declare all meals or accommodation provided by or reimbursed by any of the EU Institutions, a European School, another administration or third party. The corresponding deductions will be applied as follows:

The daily allowance is to be reduced by 30% for each meal provided by others. The reduction for breakfast is 15%. The remaining 25% is considered to cover all other expenses.

Additional reimbursements may be made on submission of a duly substantiated application approved by the authorising officer and accompanied by supporting documents where the total justifiable expenses exceed that part of the allowance intended to cover sundries (25%), for example: the costs of communications (telephone, mobile phone, fax, Internet, etc.) incurred for official purposes and approved by the authorising officer (itemised telephone bills with numbers and names of contact persons to be submitted identifying the official communications).

CHAPTER III

SOCIAL SECURITY

Article 66

1. (a) Membership of the **SICKNESS FUND** set up by the Board of Governors shall be compulsory for every member of staff.

(b) Members of the fund shall pay one third of the contribution decided by the Board of Governors to meet sickness insurance cover.
2. The following shall be covered, on the basis of the rules laid down by the European Communities in Annexes I to III of the Rules on Sickness Insurance for Officials of the European Communities:
 - the member of staff,

- his spouse, where such spouse is not eligible for benefits of the same nature and of the same level by virtue of any other legal provision or regulation,
 - dependent children within the meaning of Article 54.
 - the unmarried partner of a member of staff shall be treated as the spouse, provided that:
 - (i) the couple produces a legal document recognised as such by a Member State, or any competent authority of a Member State, acknowledging their status as non-marital partners,
 - (ii) neither partner is in a marital relationship or in another non-marital partnership,
 - (iii) the partners are not related in any of the following ways: parent, child, grandparent, grandchild, brother, sister, aunt, uncle, nephew, niece, son-in-law, daughter-in-law.
3. After secondment ends, the member of staff and the persons covered by his insurance may request to be continued to be insured against sickness
- for a period of six months from the date on which the member of staff terminates his service in the European Schools,
- and
- provided that they produce evidence showing that they cannot be covered by any other sickness insurance scheme,
- and
- on condition that one third of the contribution for the month preceding termination of appointment continues to be paid into the Sickness Fund of the European Schools, the remaining two-thirds being paid by the School.
 - The six-month limit laid down above shall not apply in the case of serious illness contracted before the member of staff's service terminated and throughout its duration.

The request, with the relevant supporting documents, shall be submitted within a month at the latest of termination of service.

4. The following may continue for a maximum of six months to be insured against sickness as provided for in point 2. above, in his or her capacity as insured persons previously covered under the member of staff's insurance:
- (a) the ex-spouse of a member of staff,

(b) a child who ceases to be a member's dependant

where they can provide evidence that they cannot be covered by any other sickness insurance scheme.

This cover shall not give rise to the levy of a contribution.

This six-month period shall commence on the date of the decree absolute of divorce or of the loss of status of dependent child or of person treated as a dependent child.

5. Where the total expenditure not reimbursed for any period of twelve months exceeds half the member of staff's basic monthly salary, special reimbursement shall be allowed by the Secretary-General, in the manner provided for in the rules referred to in point 2. above, account being taken of the family circumstances of the person concerned.
6. Persons entitled to the foregoing benefits shall declare the amount of any reimbursement which they may claim under another compulsory sickness insurance scheme provided for by law or regulation for themselves or for persons covered by their insurance. This shall be deducted from the reimbursement which the member of staff may claim pursuant to the rules referred to in point 2. above.

Reimbursements obtained under a private supplementary sickness insurance scheme covering that part of the expenditure which is not reimbursable by the sickness insurance scheme of the Board of Governors of the European Schools shall not be deductible.

7. During the suspension of secondment for parental leave as referred to in Article 42.3, the member of staff and the persons covered by his or her insurance may request to be continued to be insured against sickness
 - provided that they produce evidence showing that they cannot be covered by any other sickness insurance scheme and
 - on condition that one third of the contribution for the month preceding the suspension of secondment continues to be paid into the Sickness Fund of the European Schools, the remaining two-thirds being paid by the School.

The request, with the relevant supporting documents, shall be submitted at least one month before the suspension of the secondment.

Article 67

- 1.(a) A member of staff is insured, from the date of his entering the service, against the **RISK OF OCCUPATIONAL DISEASE and of OCCUPATIONAL ACCIDENT**, subject to the Rules in force for officials of the European Communities.
- (b) He shall contribute to the cost of insuring against non-occupational risks up to 0.1% of his basic salary.
- (c) The aforementioned rules shall specify which risks are not covered under (a) and (b).

2. The benefits payable shall be as follows:

(a) In the event of death:

Payment to the persons listed below of a lump sum equal to five times the deceased's annual basic salary calculated by reference to the monthly amounts of salary received during the twelve months before the accident:

- to the deceased member of staff's spouse and children in accordance with the law of succession governing the member of staff's estate; the amount payable shall not, however, be less than 25% of the lump sum;
- where there are no persons of the category above, to the other descendants in the ascending line, in accordance with the law of succession governing the member of staff's estate;
- where there are no persons of either of the two categories above, to the relatives in the ascending line, in accordance with the law of succession governing the member of staff's estate;
- where there are no persons of any of the three categories above, to the School.

(b) In the event of total permanent invalidity:

- Payment to the member of staff of a lump sum equal to eight times his normal basic salary calculated on the basis of the twelve monthly amounts of salary received during the twelve months before the accident.

(c) In the event of partial permanent invalidity:

- Payment to the member of staff of a proportion of the sum provided for in subparagraph (b) above, calculated by reference to the scale laid down in the aforementioned rules.

As provided for in these rules an annuity may be substituted for the payments provided for above.

3. The following shall also be covered in the manner provided for in the aforementioned rules: medical, pharmaceutical, hospital, surgical, prosthesis, radiography, massage, orthopaedic, clinical and transport expenses and any other similar expenditure incurred as a result of the accident or occupational disease.

Reimbursement shall, however, only be made where the amount paid to the member of staff under Article 66 of these Regulations does not fully cover the expenditure incurred.

Article 68

The School shall take out insurance to cover its own **CIVIL LIABILITY** and that of the third-party liability of the members of its staff in the performance of their duties, and also to cover legal defence.

In the event of professional misconduct, action shall be taken against the member of staff concerned pursuant to Articles 23 and 75 of these Regulations.

Article 69

The Secretary-General may make **LOANS** or **ADVANCES** to a member of staff who is in a particularly difficult position as a result *inter alia* of serious or protracted illness or by reason of family circumstances and provided that he cannot obtain assistance from the competent public authority to which he belongs.

The decision shall be taken by the Administrative Board for executive, teaching and supervisory staff.

Article 70

1. On the **BIRTH** of a child to a member of staff, the person who has actual care of the child shall receive the sum of EUR 198.31.

The same sum shall be paid to a member of staff who adopts a child under five years of age and a dependant within the meaning of Article 54 of these Regulations.

This grant shall also be payable in the event of termination of pregnancy after not less than seven months.

- 2.(a) The recipient of a grant on the birth of a child shall declare any grants of the same nature to which either the member of staff or his spouse is entitled received from other sources for the same child. Such grants shall be deducted from the grant paid by the School.
- (b) Where both parents are members of the staff of the European Schools, the sum shall be paid once only.

Article 71

- (a) In the event of the **DEATH** of a member of staff, the surviving spouse or dependent children shall receive the deceased's full remuneration within the meaning of Article 45 until the end of the third month after the month in which the death occurred.
- (b) In the event of the death of a member of staff, of a member of staff's spouse or of dependent children within the meaning of Article 54, the School shall reimburse the costs involved in transporting the body from the member of staff's place of employment to his place of origin.
In the event of a member of staff's death during a mission, the School shall bear the costs involved in transporting the body from where death occurs to the member of staff's place of origin.

CHAPTER IV

SEVERANCE GRANT

Article 72

1. A member of staff whose service terminates for reasons other than disciplinary action shall be entitled to payment of a **SEVERANCE GRANT** proportionate to actual service up to a maximum of nine years.
2. The grant shall be calculated on the basis of the difference between one and a half months of the last basic European salary, weighted at the rate for the country of origin, and one and a half months of the last basic national salary for each year of service. Basic national salary means basic national remuneration including components which reflect cost-of-living expenses, even if these are determined separately. By way of derogation from Article 47 above, the severance grant shall be paid in the member of staff's country of origin. When the severance grant is paid in a currency other than the euro, the exchange value of the basic European salary for purposes of calculating the said grant shall be expressed in the currency of the member of staff's country of origin on the basis of the exchange rate used for the implementation of the general budget of the European Communities on 1 July of the year in which the member of staff leaves.

CHAPTER V

RECOVERY OF UNDUE PAYMENTS

Article 73

Any sum overpaid shall be recovered if the recipient was aware that there was no due reason for the payment or if the fact of the overpayment was patently such that he could not have been unaware of it or if its payment results from a failure on the beneficiary's part to comply with his obligations, referred to in Articles 19 and 49.2.(a),(i) and (ii).

Without prejudice to the last paragraph of Article 49.2.(a), the request for recovery must be made no later than five years from the date on which the sum was paid. If it can be established that the recipient deliberately misled the administration with a view to obtaining the sum concerned, this deadline shall not apply.

Should the annual adjustment of remuneration show that excessive amounts were paid, the overpayments for the corresponding period must be recovered.

CHAPTER VI

SUBROGATION IN FAVOUR OF THE EUROPEAN SCHOOLS

Article 74

1. The European Schools shall assist the member of staff, notably in any proceedings against those responsible for threats and insulting or defamatory acts against himself or members of his family on account of his status and his office.

They shall jointly and severally provide compensation for the resulting damage suffered by the member of staff, in so far as he does not conceal the origin of the damage and has not obtained compensation from those responsible.
2. The subrogation provided for by point 1. above shall extend *inter alia* to the following:
 - continued payment of remuneration to the member of staff during the period when he is temporarily unfit to work,
 - payments effected in accordance with Article 71 of these Regulations following the death of a member of staff,
 - benefits paid under Articles 66 and 67 of these Regulations and their implementing rules, relating to insurance against sickness and accident,
 - payment of the costs involved in transporting the body, as referred to in Article 71 of these Regulations,
 - supplementary family allowances paid in accordance with Title V, Chapter I, Sections 3 and 4 of these Regulations in respect of a dependent child suffering from serious illness, infirmity or handicap.
3. However, the European Schools shall not be subrogated to rights of compensation in respect of purely personal damage such as non-material injury, damages for pain and suffering or compensation for disfigurement and loss of amenity over and above the allowance granted for those headings under Article 67 of these Regulations.
4. The provisions of points 1., 2. and 3. above may not be a bar to direct action by the European Schools.

TITLE VI

DISCIPLINARY MEASURES

Article 75

1. Any failure by a member of staff to comply with his obligations under these Regulations, whether intentionally or through negligence on his part, shall make him liable to **DISCIPLINARY ACTION**.
2. The seriousness of the offence shall be assessed on the basis of factors such as intentionality, disruption of the service, affront to the staff or the Schools, lack of respect for third parties or repetition of the offence.
3. Disciplinary measures shall take one of the following forms:
 - (a) written warning for minor misconduct,
 - (b) reprimand for serious misconduct,
 - (c) removal from post for very serious misconduct.
4. A single offence shall not give rise to more than one disciplinary measure.
5. **DISCIPLINARY PROCEEDINGS** shall start with notification to the person concerned of the facts complained of, by the authority with disciplinary powers (Article 76), and must be terminated within six months of the date of notification. In the event of serious or very serious misconduct, the authority may order that the member of staff concerned be suspended forthwith and for the duration of the disciplinary proceedings. The decision that a member of staff be suspended shall specify whether he is to continue to receive his remuneration or determine what part thereof is to be withheld, which may not be more than half his basic salary.
6. The member of staff charged shall be given a prior opportunity to state his views and shall have access to all relevant papers in the file. He shall have not less than fifteen days from the date of initiation of the proceedings to prepare his defence and may be assisted by a defence counsel of his choice.
7. Where the member of staff is prosecuted for those same acts, a final decision shall be taken only after a final verdict has been reached by the court hearing the case.
8. All reference in the personal file to the written warning shall be deleted after a period of three years. All reference in the personal file to the reprimand shall be deleted after a period of six years.
9. The seconding authority shall be informed of disciplinary action taken. In the event of removal from post, the file shall be forwarded to the seconding authority to terminate the secondment of the member of staff concerned.

Article 76

1. The Board of Governors shall be the sole body competent to take **DISCIPLINARY ACTION** against the Secretary-General, the Central Accounting Officer and the Financial Controller and the Assistant Financial Controllers.

On a report from its Secretary-General, the Board of Governors may also take disciplinary action against the Deputy Secretary-General, Directors, Deputy Directors for the secondary cycle and the nursery and primary cycle and Assistant Deputy Directors.

2. The Director, after seeking the opinion of the national Inspector, shall issue written warnings to members of the teaching and supervisory staff. Acting on a proposal from the Director, the Board of Inspectors shall be responsible for reprimanding these staff.

The Director shall issue written warnings to and shall reprimand the Deputy Director for Finance and Administration of the School.

3. The Secretary-General shall take disciplinary action against his Senior Assistant and Heads of administrative units.

Acting on a proposal from the Directors and the Board of Inspectors, the Secretary-General shall be responsible for removing members of the teaching and supervisory staff from their posts.

The Secretary-General shall be responsible for removing the Deputy Directors for Finance and Administration from their posts, acting on a proposal from the Director of the School.

Article 77

1. An **ADMINISTRATIVE APPEAL** may be lodged with the Secretary-General against disciplinary measures taken by the Director and by the Boards of Inspectors, within one month of the date of notification of the disciplinary action.

The Secretary-General, after hearing the person concerned and seeking the opinion of the national Inspector in the case of a warning and of the Board of Inspectors in the case of a reprimand, shall confirm or annul the disciplinary action within three months. The member of staff concerned shall be notified of the decision without delay.

2. A **CONTENTIOUS APPEAL** may be lodged with the Complaints Board established pursuant to Article 27 of the Convention defining the Statute of the European Schools against:

- (a) the decision of the Secretary-General bringing to an end the administrative appeal referred to in point 1 of this article

- (b) any disciplinary action taken by the Board of Governors or its Secretary-General.

The appeal must be lodged within one month of the date of notification of the decision to the person concerned or of the disciplinary action which is the subject of this appeal.

The appellant may be assisted or represented for this purpose by one or more persons of his choice.

TITLE VII

APPEALS

Article 78

1. Any decision relating to a specific individual which is taken under these Regulations shall be communicated in writing to the member of staff concerned without delay. Any decision adversely affecting a member of staff shall state the grounds on which it is based; decisions concerning Directors and Deputy Directors for the secondary cycle and the nursery and primary cycle, Assistant Deputy Directors and the members of the teaching and supervisory staff shall be communicated to the national Inspector.
2. Any member of staff may submit to the Director or the Secretary-General, in their spheres of competence, a **REQUEST** that they take a decision in respect of him within three months of submission of the request. If at the end of the aforementioned period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it, against which an administrative appeal within the meaning of Article 79 may be lodged.

Article 79

1. An **ADMINISTRATIVE APPEAL** may be lodged with the Secretary-General against express and implied decisions in the administrative and financial areas. If the disputed decision has been taken by a Director, the prior opinion of the Administrative Board of the School shall be required.

An administrative appeal may be lodged with the Board of Inspectors against express or implied decisions in the educational area. The member of staff may be assisted by a defence counsel of his choice.
2. The administrative appeals referred to in paragraph 1 of this article must concern the legality of an act adversely affecting the person concerned.
3. Such appeals must be lodged within one month. The period shall start to run:
 - on the date of publication of the act, if it is a measure of a general nature,
 - on the date of notification of the decision to the person concerned, but in no case later than the date on which the latter received such notification, if the measure affects a specified person.
4. The Secretary-General and the Board of Inspectors shall take a reasoned decision within five months of the lodging of the administrative appeal and shall notify the persons concerned of this decision without delay.
5. If at the end of the periods indicated in the preceding paragraphs, no reply to the administrative appeal has been received, this shall be deemed to constitute an implied decision rejecting it, against which a contentious appeal within the meaning of Article 80 may be lodged.
6. The lodging of an administrative appeal shall not have the effect of suspending enforcement of the disputed act. The authority competent to judge the appeal may, however, decide on suspension if it considers that enforcement of the act would lead to damage or injury impossible or difficult to repair.

Article 80

1. The Complaints Board shall have sole jurisdiction in the first and final instance in any dispute between the management organs of the School and members of staff regarding the legality of an act adversely affecting them. Where such appeals are of a financial character, the Complaints Board shall have unlimited jurisdiction.
2. A **CONTENTIOUS APPEAL** to the Complaints Board, without prejudice to the provisions of Article 77, shall lie only:
 - if an administrative appeal within the meaning of Article 79 of these Regulations has been lodged with the Secretary-General or the Board of Inspectors beforehand

and

- if an express or implied decision rejecting the said administrative appeal has been taken.
3. Notwithstanding paragraph 2 above, a contentious appeal against decisions of the Administrative Boards of the Schools and of the Board of Governors may be lodged direct with the Complaints Board.
 4. The contentious appeal must be lodged within three months of the notification or publication of the act which is the subject of the appeal.

The Complaints Board must reach a decision within six months of the lodging of the appeal and the appellants must be notified of the decision within fifteen days thereof.

5. Contentious appeals within the meaning of this article shall be examined and judged subject to the conditions laid down by the Rules of Procedure established by the Complaints Board.

Appeals lodged with the Complaints Board shall not have suspensory effect. However, the Complaints Board may, if it considers that the circumstances so require, order that application of the contested act be suspended. Judgments of the Complaints Board shall be final and enforceable.

6. The time periods mentioned in these Regulations shall be counted from date to date, if they are expressed in months, and in working days, unless otherwise provided, if they are expressed in days. If in the month of the time limit there is no day identical with the one on which the calculation started, it will be understood that the time period expires on the last day of the month. If the last day of the time period falls on a non-working day, the time period will be extended to the first subsequent working day.

TITLE VIII

TRANSITIONAL AND FINAL PROVISIONS

CHAPTER I

TRANSITIONAL PROVISIONS APPLICABLE TO MEMBERS OF STAFF

Article 81

1. These Regulations shall enter into force on 1 September 1996 and shall apply in full to members of staff in post from that date, save as otherwise provided in Articles 81(2) to 85 below.
2. For members of staff in post before 1 September 1996, the provisions of Article 49(2) (c) concerning the application of a negative adjustment shall enter into force on 1 September 2000.
3. The changes to the wording of Articles 1, 2, 5, 6, 7, 8, 12, 17, 22, 27, 28, 30, 32, 34, 35, 36, 38, 40, 41, 42, 43, 44, 47, 69, 70, 76, 77, 78, 79 and 80 and of Annexes III and VI shall be applicable retrospectively from 1 January 1999 to the term 'EURO' and from 1 October 2002 to the terms 'Secretary-General' and 'Complaints Board'.

The material changes to Articles 49, 53, 54 and 73 and the changes to Annex IX concerning the preceding articles shall become effective from 1 May 2004 or later dates specified.

The material changes to Article 50 shall become effective from 1 January 2014.

The material changes to Articles 36.3, 36.5, 36.6, 55, 56.2, 58.7, 61, 62.4, 62.5, Annex IV with respect to the Deputy Directors for the nursery and primary sections and the nursery school teachers and Annex IX with respect to the annual travel expenses shall become effective from 1 September 2014.

The material changes to Articles 11, 42.2, 63, 64 and 65 and to the corresponding provisions in Annex IX shall be applicable from the first day of the month following approval by the Board of Governors.

Payment of the orphan's pension to persons entitled before 1 May 2004 under former Article 54(8) shall continue until such time as the conditions are no longer fulfilled.

4. The changes related to the Deputy Director for Finance and Administration will enter into force on 1 January 2018.
5. The changes linked to the introduction of the function of Central Accounting Officer will enter into force on 1 September 2017. Changes related to the allowance linked to the function of Central Accounting Officer will enter into force on 12 March 2018.
6. The changes related to the Staff Representation will enter into force on 1 September 2018.

7. The changes related to the introduction of a potential prolongation of the secondment up to 12 years and related to the introduction of multiple secondments will enter with immediate effect, from 8 July 2019.
8. The changes linked to the introduction of a “compensation allowance” will enter into force on 1 September 2019.
9. The changes linked to the introduction of the staff category “Assistant Deputy Director” will enter into force on 1 January 2020.
11. The changes related to the rationalization of the calculation of salaries of the seconded staff members under Articles 19, 49 and 73 enter into force on 1 September 2020. The penalty clauses provided under Article 49.2 (a) (ii) are applicable from 1 September 2021.

Article 82

The members of staff referred to in Article 81(2) of these Regulations shall retain their seniority, calculated under Articles 10 to 17 of the Regulations for Members of the Teaching Staff of the European Schools in force on 31 August 1996.

As from 1 September 1996, the progression to higher steps on the salary scale of the members of staff concerned shall be governed by the procedures laid down in Article 27(2) of these Regulations.

Article 83

1. The secondment of the members of the teaching and supervisory staff referred to in Article 81(2) of these Regulations shall be renewed for four-year periods in accordance with the provisions of Article 29
 - for an indefinite period for members of staff seconded before 1 September 1989, unless national regulations provide otherwise
 - for a maximum period of nine years for members of staff seconded as from 1 September 1989¹
2. The period of secondment of Directors and Deputy Directors for the secondary cycle and the nursery and primary cycle referred to in Article 9 of these Regulations may be extended in accordance with the provisions in force at the time of their secondment as executive staff.

Article 84

The provisions of Article 4(2) of these Regulations, regarding the filling of a post by transfer, shall apply to the members of staff referred to in Article 81(2) of these Regulations, without any previous transfers of the persons concerned being taken into account.

¹ For the United Kingdom, as from 1 September 1993.

Article 85

1. For members of staff in post before 1 September 1996
 - the provisions of Article 72 of these Regulations shall not be applicable;
 - the provisions of Articles 21 and 46(5) of the Regulations for Members of the Teaching Staff of the European Schools in force on 31 August 1996 shall cease to be applicable as from 1 September 2000, except for members of staff who have not completed nine years' service on that date;
 - for a member of staff in post on 1 September 2000 who has completed a minimum of nine years' service, the severance grant, calculated on that date in accordance with the provisions of Articles 21 and 46(5) of the Regulations in force on 31 August 1996, will be paid to him, without updating, by the School during the financial years 2000 and 2001;
 - for a member of staff in post on 1 September 2000 who has not completed nine years' service on that date, the severance grant, calculated in accordance with the provisions of Articles 21 and 46(5) of the Regulations in force on 31 August 1996, will be paid to him when he has completed nine years' service.
2. For members of staff in post before 1 September 2011
 - by way of derogation from Article 49, these members of staff shall retain their entitlement to the remuneration carried by their post and their step on the salary scale for such a post, as laid down in Annex VI to these Regulations.

CHAPTER II

FINAL PROVISIONS

Article 86

The articles in these Regulations which are analogous to articles in the Staff Regulations of Officials of the European Communities shall be interpreted according to the criteria applied by the Commission.

Article 87

These Regulations shall be subject to revision.

Any proposal for revision shall be submitted, at the instigation of each member of the Board of Governors or of the Staff Committee,

- to the Boards of Inspectors and to the Administrative and Financial Committee, which shall deliver a joint opinion,
- to the Staff Committee, which shall also deliver an opinion.

The Board of Governors shall take its decision in accordance with its Rules of Procedure.

Article 88

The original text in French shall be authentic and shall prevail in the event of differing construction or legal challenge.

Article 89

These Regulations shall enter into force on **1 September 1996**.

ANNEX I: IMPLEMENTING REGULATIONS FOR THE APPOINTMENT AND EVALUATION OF DIRECTORS AND DEPUTY DIRECTORS OF THE EUROPEAN SCHOOLS – APPLICABLE TO STAFF TAKING UP THEIR POSTS FROM 1 SEPTEMBER 2009 – 2009-D-422-en-5

I. OBJECTIVES OF THE REGULATIONS CONCERNING THE APPOINTMENT OF DIRECTORS AND DEPUTY DIRECTORS

1. To open the candidature possibilities for each post to a sufficient number of candidates, in order to ensure that real competition is guaranteed between candidates from at least two Member States and preferably more.
2. To ensure and maintain a mix of nationalities in management teams (in space and in time).
3. To ensure fair access for candidates from all the Member States.
4. To define a calendar of work matching the requirements of the system.

II. PROFILE OF DIRECTORS AND DEPUTY DIRECTORS

The particulars and qualities described below are mandatory. The emphasis given to particular aspects of the profile may vary in response to the specific characteristics of individual schools.

1. The candidate must have the competence, skills and qualifications required in his/her country to head an educational establishment providing a leaving certificate entitling the holder to university entrance (for candidates for a post of Director or Deputy Director for the Secondary) or a primary school (for candidates for a post of Deputy Director for the Nursery and Primary)
2. The candidate should demonstrate management competence in the pedagogical, administrative and financial fields, for example:
 - in leading a school as a whole organisation
 - in establishing good human relations
 - in resolving conflicts
 - in synthesising ideas
 - in managing human, material and financial resources
 - in setting up and developing a quality control system in the different areas of management of the school.

This requirement is not intended to exclude those without previous experience of headship.

3. The candidate should have a knowledge of a minimum of three languages, including at least two of the three vehicular languages (English, French, German). The candidate must undertake to learn the language of the country in which the school is situated. The level of knowledge of the language of the country will be one of the criteria for the first evaluation.
4. The candidate should demonstrate knowledge and understanding of the European Schools system.
5. The candidate must be able to commit to serving at least the first five-year term of office (subject to a positive evaluation during the second year of service).

III. APPLICATION PROCEDURE

1. The candidate's file must contain the following information:
 - date of birth
 - civil status
 - educational background and qualifications
 - professional experience
 - knowledge of languages (to be documented and assessed on the basis of the Common European Framework of Reference for Languages self-assessment grid produced by the Council of Europe)
 - special abilities, skills and achievements
 - names of referees

Official documents to be attached to the Curriculum Vitae:

- copies of diplomas, certificates and other evidence of formal qualifications
- an official document testifying that the candidate has no criminal convictions which would be incompatible with the post.

It is recommended that the 'Europass' Curriculum Vitae be used.

Candidates should send their applications to their national delegations, which will deal with them as described in VI.B.2. below.

2. The candidate's file will be accompanied by a declaration by the seconding authority to the effect that the candidate fulfils the prerequisites for any candidature, namely:

- that he/she has the background and formal qualifications required in his/her country to head an educational establishment providing a leaving certificate entitling the holder to university entrance (for candidates for a post of Director or Deputy Director for the Secondary) or a primary school (for candidates for a post of Deputy Director for the Nursery and Primary)
 - that he/she is eligible to commit to serving at least the first five-year term of office (subject to a positive evaluation during the second year of service)
 - that he/she has the language skills required, i.e. knowledge of three languages, a very good command of at least one of the three vehicular languages (DE – EN – FR) and a good working knowledge of a second vehicular language. -
3. The Secretary-General will satisfy himself/herself that all the required documents have been provided with the application. Should the application file be incomplete, the candidature might not be taken into consideration.

IV. ACCESS TO CANDIDATURES – DISTRIBUTION OF EXECUTIVE POSTS (DIRECTORS AND DEPUTY DIRECTORS) AMONGST MEMBER STATES

1. Each Member State may have a maximum of three executive posts, including one post of Director.
2. When a Director or Deputy Director leaves a school the only nationality which should be excluded from holding the subsequent appointment is that of the Director or Deputy Director leaving the post. However, where the Director or Deputy Director from a given country leaves before completing the first five-year period, the Board of Governors will not necessarily exclude the Member State which seconded him/her from providing candidates in the competition to choose his/her successor.
3. No two executive posts in the same school may be held by persons seconded by the same Member State.
4. No Member State may nominate candidates for a greater number of posts than that which their candidates may hold in accordance with the Regulations in force (see IV.1) or nominate the same candidate for several posts.
5. If a Member State does not yet hold a Director's post, it may propose a serving Deputy Director or serving Deputy Directors for a vacant post of Director provided that such a candidate or candidates fulfil(s) the criteria specified in the profile. Similarly, it may propose one or more Deputy Directors for the Primary for a vacant secondary post or vice versa, provided that the candidate(s) fulfil(s) the criteria specified in the profile.
6. A Director may not normally come from the Member State in which the school is situated. An exception may be made in the case of the setting up of a new school or if the Board of Governors decides that a school will cease to be a Type I school.

V. LENGTH OF TERM OF OFFICE

1. The term of office of Directors and Deputies will be nine years.
2. The term of office will be subdivided into three periods:
 - an initial period of two years. An evaluation will be made during the second year.
 - a second period of three years. A further evaluation will take place during the fifth year.
 - a third period of four years.
3. The length of the term may be extended by one year in the interests of the service at the end of nine years in the same school.
4. In the case of a transfer, the total length of the term in the two schools is ten years. It may not, under any circumstances, exceed ten years.

VI. SELECTION OF DIRECTORS AND DEPUTY DIRECTORS

A. APPLICATIONS FOR TRANSFER of current post-holders in the interests of the service

1. When a post of Director or Deputy Director is vacant in a school, the Secretary-General of the European Schools will notify serving Directors or, as the case may be, Deputy Directors who will have completed five or six years when the post is to be filled.
2. Directors may apply for a further term as Director of a second school and Deputies for a further term as Deputy of the appropriate teaching level (cycle).
3. The Joint Board of Inspectors will advise if an application for transfer is justified in the interests of the service and will take the decision.
It will consider the aspects of evaluation mentioned in Section II of the document 'Evaluation of the Performance of Directors and Deputy Directors'.
4. In the interests of mobility and of harmonisation within the system, transfer applications will be given priority consideration in relation to new appointments.

B. APPOINTMENT OF CANDIDATES to posts of Directors/Deputy Directors.

1. If there are no transfer applications or if the Joint Board of Inspectors judges that they are not in the interests of the service, the Secretary-General will draw up, taking account of the rules laid down in point IV, a list of the Member States which may nominate candidates for the different posts and will invite the countries concerned to express their possible interest in the post.

2. The delegations interested will nominate candidates for the vacant post, classified in alphabetical order, and will send these applications to the Secretary-General. A delegation nominating a serving Deputy or serving Deputies for a Director's post may only nominate the serving Deputy or serving Deputies in question.
3. Without prejudice to point IV.5, if only two nationalities are involved, each must present at least two and a maximum of three candidates; if three or more nationalities are involved, each may present a maximum of two candidates.
4. If there are no candidates or if the candidates come from a single country, the Secretary-General will invite all the countries to nominate a candidate, even those which have already filled their quota of posts, with the exception of those concerned by point IV.2., 3. and 6.
5. The selection of candidates by the Member States should be made, after public advertisement, on the basis of criteria identical to those in force for appointment to a post of responsibility in the public service in the Member States.
6. Candidates for the post of Director and of Deputy Director for the Secondary must have the competence, skills and qualifications required in their own country to head an educational establishment providing a leaving certificate entitling the holder to university entrance (Article 21 of the Convention defining the Statute of the European Schools).
7. Candidates for posts of Deputy Director for the Nursery and Primary must have the competence, skills and qualifications required in their own country to be Directors or Deputies of comparable primary education establishments.
8. Applications from teachers who work or have worked in a European School will be considered on the same basis as those from other teachers, provided that such applications match the profile defined in point II.

C. SELECTION OF CANDIDATES

1. A Selection Committee will be set up, chaired by the Secretary-General of the European Schools. The composition of this Committee will depend on the post to be filled. The Deputy Secretary-General may be a member of the Committee, but without a vote, except if the Secretary-General has delegated him/her to chair the Selection Committee.
2. Inspectors' representation
 - i. for a Director's post, in addition to the Secretary-General of the European Schools, the Committee will consist of four inspectors, two from the Board of Inspectors (Primary) and two from the Board of Inspectors (Secondary)

- ii. for a Deputy Director's post, in addition to the Secretary-General of the European Schools, the Committee will consist of:
 - two Primary inspectors for a Primary Deputy's post.
 - two Secondary inspectors for a Secondary Deputy's post.
 - iii. An Inspector of each of the countries presenting candidates may be present as an observer during the interviews of all the various countries' candidates, but without a vote. The observers may not be present during the deliberations.
3. Directors' Representation
 - i. for a Director's post, two Directors will be designated to sit on the Selection Committee. The Director of the school where the post is vacant cannot be a member of the Committee.
 - ii. for a Deputy Director's post, only one Director will be a member of the Committee. This Director must be from the school where the post is vacant.
4. The Report of the Selection Committee should give a résumé of the Committee's overall judgement regarding each candidate, making reference to the qualities itemised in Section II of the Document 'Profile of Directors and Deputy Directors'. It will state whether it judges the candidates to be 'excellent', 'very good', 'good' or 'acceptable' or whether they failed to show the competence and skills required to head a European School or to hold a post of Deputy Director for the Primary or the Secondary, as the case may be. The Committee will rank the candidates in order of preference.

D. APPOINTMENT

1. If the Selection Committee reaches unanimous agreement on the proposed rank order which it has determined, the Secretary-General will make the appointment on behalf of the Board of Governors and will inform the Board of Governors and the Joint Board of Inspectors thereof, either at their next meeting or in writing.

Only a candidate who has been rated 'very good' or 'excellent' may be appointed in this way.

2. If the Selection Committee fails to reach unanimous agreement on a proposal or if none of the candidates have been rated 'very good' or 'excellent', the Secretary-General will submit the Report of the Selection Committee to the Joint Board of Inspectors, where necessary by written procedure.

In that case, the Board of Governors will decide on the appointment, having

considered the recommendations of the Selection Committee and the Joint Board of Inspectors.

VII. PROCEDURE

1. As soon as he/she has learned of the vacancy of a post at the beginning of the following school year, the Secretary-General will inform serving Directors or Deputy Directors in their fifth or sixth year of service and will organise, where appropriate, the evaluations of any transfer applicants.
2. The Secretary-General will inform the Joint Board of Inspectors of the transfer applications and of the outcomes of the evaluations.

The Joint Board of Inspectors will decide on the transfer applications.

3. The Secretary-General will inform the delegations of the posts of Director and Deputy Director to be filled. He/She will draw up, taking account of the rules laid down in point IV, a list of the countries which may nominate candidates for the different posts and will invite the countries concerned to inform him/her of their interest in the post.
4. The Secretary-General will inform the delegations which have expressed an interest in the post of the number of candidates which each country may nominate. He/She will ensure that a list of the countries which are interested in the vacant posts is published in the European Schools
5. The Secretary-General will draw up the timetable for the Selection Committees and will invite the Boards of Inspectors and the Directors to designate their representative(s).
6. If the Selection Committee reaches unanimous agreement on the proposed rank order which it has determined, with the caveat that the candidate selected must have been rated 'very good' or 'excellent', the Secretary-General will make the appointment on behalf of the Board of Governors and will inform the Board of Governors and the Joint Board of Inspectors thereof.
7. If, on the other hand, the Selection Committee has failed to reach unanimous agreement on a proposed rank order of candidates or if none of the candidates have been rated 'very good' or 'excellent', the Secretary-General will submit the Report of the Selection Committee to the Joint Board of Inspectors for an opinion.
8. The Board of Governors will decide solely on appointments on which the Selection Committee has failed to reach unanimous agreement or if no candidate has been rated 'very good' or 'excellent'.

VIII. EVALUATION OF DIRECTORS AND DEPUTY DIRECTORS

1. Evaluation should aim to establish an objective view of the quality of work, with the aims of providing advice and support, recognising achievement and securing improvement

where necessary. Directors and Deputy Directors will be formally evaluated in sufficient time to allow a decision to be taken on confirmation of the appointment after the initial period of two years, extension of the term of office beyond the fifth year or, where appropriate, termination of the appointment.

For executive staff in post before September 1999, formal evaluation will take place every five years, beginning on the first multiple of five years from appointment.

2. For Directors, the evaluation will be made by the Secretary-General, by an inspector of the same nationality as the Director and by another inspector of a different nationality belonging to the other teaching level (cycle).

For Deputy Directors (Secondary), the evaluation will be made by the Inspector (Secondary) of the same nationality as the Deputy Director, by the Director and by another Secondary inspector.

For Deputy Directors (Primary), the evaluation will be made by the Inspector (Primary) of the same nationality as the Deputy Director, by the Director and by another Primary inspector.

3. It is the responsibility of the Secretary-General of the European Schools to ensure that formal evaluations are carried out in good time.
4. The signatures of the Secretary-General and of the person evaluated on an evaluation report are legally binding with respect to third parties.
5. Directors and Deputy Directors will be evaluated on the performance of their duties as set out in Chapter 1 of the General Rules of the European Schools. The following elements will receive particular attention:
 - Leadership
 - Initiatives developing a European spirit
 - Planning, Implementation and Evaluation
 - Administration and Organisation
 - Communications and Human Relations
 - Knowledge of languages, in particular, where appropriate, the language of the school's host country
 - Management of human, material and financial resources in accordance with the rules in force, in particular, with the Financial Regulation
 - Introduction and development of a quality control system.

More detailed criteria are recommended in the attached form, which must be used for all evaluations of Directors and Deputies.

6. Before evaluation, the evaluating team will meet the Director/Deputy Director in order to inform him/her of the areas which will be evaluated and the strategies to be employed.
7. At the end of the evaluation a brief confidential report, referring to performance in the eight areas listed above, will be written by a member of the Evaluation Committee, designated to do so by the latter. If two of the three members of the Evaluation Committee reach the conclusion that performance in the areas evaluated does not meet, or no longer meets, the demands of the post, the Evaluation Committee will request that the appointment should not be confirmed or that the term of office should not be renewed.
8. This report will be sent to the individual evaluated, who will have ten working days in which to make any comments in writing on the report.

In the event of disagreement, an appeal may be lodged as provided for in Articles 78-80 of the Regulations for Members of the Seconded Staff.
9. The report will be sent to the national authorities and to the General Secretariat of the European Schools.
10. In the case of an evaluation which concludes that the term of office in the same school should continue, the evaluation report will be sent to the Joint Board of Inspectors for its information
11. In the case of an evaluation concerned with a transfer application, at the end of the fifth or sixth year, the evaluation report will be sent to the Joint Board of Inspectors, which will decide on the transfer.
12. In the event of a negative evaluation, in accordance with the arrangements set out in point 7 above, the member of staff's position as Director or Deputy Director, as the case may be, will be terminated at the end of the current school year and the Secretary-General will request the seconding authority to terminate the secondment.

IX. TRANSITIONAL MEASURES

Directors and Deputy Directors in post prior to the entry into force of these Regulations will remain subject, provided that the provisions are more favourable, to the regulations applicable to them on the date of their appointment.

X. ENTRY INTO FORCE

These Regulations cancel and replace Regulations 2003-D-7610-en-7.

They will enter into force on 1 September 2009.

ANNEX TO THE IMPLEMENTING REGULATIONS FOR THE APPOINTMENT AND EVALUATION OF DIRECTORS AND DEPUTY DIRECTORS IN THE EUROPEAN SCHOOLS

Form to be used for Evaluation of the Performance of Directors and Deputy Directors

I. 1. Personal details

Surname (including maiden name where appropriate):

First name(s):

Date of birth:

Current position:

European School:

2. Reason for the evaluation: Confirmation or renewal of term of office as Director/Deputy Director of the European School,

Date of the last evaluation:

Director/Deputy of the European School,

Since:

Director/Deputy of the European School,

Since:

3. Basis for the evaluation:

- Knowledge of the person over a period, arising from comments made by Inspectors, prior consultation, discussions with the Director/Deputy, observations of official discussions and meetings.
- Scrutiny of school documentation, including rapport de rentrée (beginning-of-year report), school plan, inspection reports, minutes of meetings, etc.
- Evaluation of a class visit and debriefing session on ...
- Chairmanship of a meeting on ...
- Discussions, including self-evaluation (a document on self-evaluation may also be provided by the person to be evaluated)
- Discussions with senior members of staff and representatives of pupils, parents, teachers and other members of staff.
- Use of the vehicular languages and of the language of the country.

- Any other evidence.

4. Additional information

- Official duties outside the school:
- e.g. member of European School committees, working groups.
- In-service training activities: e.g. as participant in or organiser of in-service training courses.

II. The main aspects of evaluation of Directors and Deputy Directors are as follows:

1. Leadership

- Promotes the aims and objectives of the European Schools
- Demonstrates a clear sense of purpose for the school
- Innovates and initiates
- Delegates appropriately
- Shows responsibility, diligence, reliability, imagination and problem-solving ability
- Provides advice and guidance to staff
- Handles stress effectively

2. Initiatives developing a European Spirit

Evidence of this may include strategies to ensure cooperation between teachers and pupils of different language sections; new initiatives; support for inter-school activities.

3. Planning, Implementation and Evaluation

In relation to - curriculum

- standards of achievement
- quality of teaching
- creation of a school community
- resources (human and material)

- demonstrates pedagogical expertise
- makes competent assessments of staff and the needs of the school

- initiates and supports out-of-school activities
- plans and coordinates developments effectively
- promotes professional development in the form of in-service and further specialist training
- promotes a culture of quality assurance.

4. Administration and Organisation

in relation to

- pupils
- human and material resources (e.g. staff, finance, accommodation)

Has a good knowledge of the rules and regulations.

5. Communication and Human Relations

- with pupils and staff
- with parents
- with the outside world
- with the agencies of the schools and the OSGES
- cooperates constructively and promotes effective team work
- chairs meetings effectively
- presents and argues a case with skill

6. Linguistic competence in the vehicular languages and in the language of the country

7. Management of human, material and financial resources in accordance with the rules in force, in particular, with the Financial Regulation

8. Introduction and development of a quality control system

- Establishes clear, straightforward and transparent pedagogical, administrative and financial management procedures.

III. Relevant personal and professional circumstances

IV. Participants in the evaluation process

V. Overall judgement

Where applicable, justification for negative divergence of this evaluation from the previous one must be given.

- Fully meets the demands of the post
- Does not meet / no longer fully meets the demands of the post.

.....

Signature and official title of the evaluator

.....

Place, date

I have taken note of the above evaluation and received a copy. I am aware that in accordance with VIII.8 of the 'Implementing Regulations for the Appointment and Evaluation of Directors and Deputy Directors' (Document 2009-D-422-en-5), I may make my comments in writing concerning this report.

.....

Place, date

Signature of the person evaluated

.....

ANNEX II: IMPLEMENTING REGULATIONS FOR THE APPOINTMENT AND EVALUATION OF DIRECTORS AND DEPUTY DIRECTORS WHO TOOK UP THEIR POSTS BEFORE SEPTEMBER 2009 – 2003-7610-en-7

I. PROFILE OF DIRECTORS AND DEPUTY DIRECTORS

The particulars and qualities described below are mandatory. The emphasis given to particular aspects of the profile may vary in response to the specific characteristics of individual schools.

1. The candidate must have broad educational experience in teaching areas corresponding to levels of study in the European Schools.
2. The candidate should demonstrate management competence in pedagogic, administrative and financial fields, for example:
 - in leading a school as a whole organisation
 - in establishing good human relations,
 - resolving conflicts and
 - synthesising ideas.

This requirement is not intended to exclude those without previous experience of headship.

3. The candidate should have a good command of at least one of the three vehicular languages (German, English, French) and a working knowledge of at least one other vehicular language. The candidate should also demonstrate willingness to learn other languages and particularly the language of the country in which the School is situated.
4. The candidate should demonstrate knowledge and understanding of the system of the European Schools.
5. The candidate should be sufficiently young to be able to complete a full mandate in the School where the post is vacant.

II. APPLICATION PROCEDURE

The candidate's file will contain the following information, accompanied by photocopies of relevant documents:

- * age
- * educational background and qualifications
- * professional experience
- * knowledge of languages
- * special abilities, skills and achievements
- * names and referees.
- * a declaration made by the member state in question that the candidate has not committed any relevant penal offence

Candidates will send their applications to their national delegations which will deal with them as described in V. 2) below.

III. DISTRIBUTION OF EXECUTIVE POSTS AMONG MEMBER STATES

1. There should be a balanced distribution of executive posts (Directors and Deputies) between Member States.

To help it to compare the degree to which Member States have already been awarded executive posts the Board of Governors will use a weighting of points given to the different post as follows

A post of Director is worth two points, a post of Deputy Director for the Secondary cycle one point and a post of Deputy for the Primary cycle one point.

2. When a post of Director or Deputy Director is vacant in a European School, the Board of Governors (having first of all observed the stipulations in V 1 below) determines, during the school year before the date on which the post will become vacant, the list of Member States whose candidates may compete for the post.
3. For the time being and on a transitional basis, it was decided that when more than one post is to be filled at the same time, no Member State may propose candidates for a greater number of posts than that which their candidates may occupy in accordance with these rules.

The regulation imposing a maximum of three such posts for each Member State remains in force until September 2006.

a) Each Member State may have a maximum of two executive posts from September 2006, without prejudice to the contractual commitment to those already in post.

However, if a Member State does not hold a Director's post it may propose a serving Deputy Director or serving Deputy Directors for a vacant post of Director provided such a candidate or candidates fulfil(s) the conditions specified in the Profile. No two posts in the same School may be held by persons seconded by the same Member State. (1)

(1) If it proves necessary to reduce the number of candidate countries, the period during which a Member State has not held such a post should be taken into account.

b) When a Director or Deputy Director leaves a school the only nationality which should be excluded from holding the subsequent appointment is that of the Director or Deputy Director leaving the post. However, where the Director or Deputy Director from a given country leaves before completing the first five year period, the Board of Governors will not necessarily exclude that country from providing candidates in the competition to choose his/her successor.

c) No Member State may hold two Directors' posts simultaneously.

d) A Director may not normally come from the Member State in which the School is situated. An exception may be made in the case of the setting up of a new school.

IV. LENGTH OF TERMS OF OFFICE

1. The term of office of Directors and Deputies will as a rule be 9 years, normally spent in one School.
2. The mandate will be subdivided into two periods:
 - a period of five years, before the end of which an evaluation will be made (see VI below)
 - a supplementary period of up to four years, if the Board of Governors, basing its decision on the evaluation evidence available, approves such an extension.
3. In the case of a transfer the length of term in the second School is five years.
4. The length of term can be extended by one year in the interests of the service.

V. SELECTION OF DIRECTORS AND DEPUTY DIRECTORS

- 1) Application for transfer of current post-holders in the interests of the Service

When a post of Director or Deputy Director is vacant in a School, the Secretary-General of the European Schools will notify serving Directors or, as the case may be, Deputy Directors who will have completed at least 5 but no more than 6 years when the post falls vacant.

Directors will be able to apply for a further term as Director of a second School and Deputies for a further term as Deputy of the appropriate cycle.

The appropriate Board of Inspectors will advise if an application for transfer is justified in the interests of the service and the Board of Governors will make its decision.

When determining its advice the appropriate Board of Inspectors shall consider the Aspects of Evaluation mentioned in Section II of the document 'Evaluation of Performance of Directors and Deputy Directors'.

2) Appointment of new Directors/Deputy Directors

If there are no applications for transfer or if applications are not judged to be in the interests of the service then the procedures described in III 2 & 3 will come into operation.

The delegations concerned will nominate candidates for the vacant post, classified in alphabetical order, and send these applications to the Secretary-General of the European Schools. A field of at least four but not more than eight candidates should be sought. A delegation nominating a serving Deputy or serving Deputies for a Director's post as in III 3 a) above may only nominate the serving Deputy or serving Deputies in question.

If only one nationality is involved, then four or five candidates will be presented. If two nationalities are involved, each may present two or three candidates; if three or four nationalities are concerned, each may present two candidates.

The selection of candidates by the Member States should be made, after public advertisement, on the basis of criteria identical to those in force for appointment to a post of responsibility in the public service in the Member States and in accordance with Article 21 of the Convention defining the Statute of the Schools.

Candidates for posts must be qualified in their own country to be Directors or Deputies of comparable institutions.

Applications from teachers who work or have worked in a European School will be considered on the same basis as those from other teachers. The Secretary-General of the European Schools should ensure that details of vacant posts are published in the European Schools.

3) A Selection Committee will be set up, chaired by the Secretary-General of the European Schools. The composition of this committee will vary, depending on the post concerned. The Deputy Secretary-General may participate in the Committee but without a vote.

a) Inspectors' representation

- for a Director's post, in addition to the Secretary-General of the European Schools, the Committee will consist of four inspectors, two from the Secondary Board of Inspectors and two from the Primary Board of Inspectors

- for a Deputy Director's post, in addition to the Secretary-General of the European Schools, the Committee will consist of:

-> two Primary inspectors for a Primary Deputy's post.

-> two Secondary inspectors for a Secondary Deputy's post.

- An Inspector of each of the countries presenting candidates may be present as an observer during the interviews of all the various countries' candidates, but without a vote. The observers may not be present during the deliberations.

b) Director's Representation

- for a Director's post, two Directors will be nominated for the Selection Committee. The Director of the School where the post is vacant cannot be a member of the committee.

- for a Deputy Director's post, only one Director will be a member of the Committee. This Director must be from the School where the post is vacant.

- 4) The Report of the Selection Committee should give a résumé of the Committee's overall judgement regarding each candidate making reference to the qualities itemised in Part I of this Document 'Profile of Directors and Deputy Directors'. It is preferable that the Committee should determine its rank ordering of candidates unanimously. If necessary it may determine that rank ordering by a two thirds majority.
- 5) The Board of Governors will decide on the appointment, having considered the recommendations of the Selection Committee and the Board of Inspectors.

VI. EVALUATION OF DIRECTORS AND DEPUTY DIRECTORS

1. Evaluation should aim to establish an objective view of the quality of work, with the aims of providing advice and support, recognising achievement and securing improvement where necessary. It should also enable the Board of Governors to make decisions about extending the mandates of Directors and Deputies or approving a transfer to another School.

2. Directors and Deputy Directors will be formally assessed in sufficient time for the Board of Governors to make a decision about extending their mandate beyond the fifth year of their term. For those in post before September 1999, formal evaluation will take place every five years, beginning on the first multiple of five years from appointment.

3. For Directors, the evaluation will be made by the Secretary-General, by an inspector of the same nationality as the Director and another inspector of a different nationality and from the other cycle.

For Deputy Directors (Secondary), the evaluation will be made by the Inspector (Secondary) of the same nationality as the Deputy Director, the Director and by another Secondary inspector.

For Deputy Directors (Primary), the evaluation will be made by the Inspector (Primary) of the same nationality as the Deputy Director, the Director and by another Primary inspector.

4. It is the responsibility of the Secretary-General of the European Schools to ensure that formal evaluations are carried out in good time. The signature of the Secretary-General on an evaluation report is legally binding with respect to the person evaluated and to third parties.

5. Directors and Deputy Directors will be assessed on the performance of their duties as set out in Chapter 1 of the General Rules of the European Schools. The following elements will receive particular attention:

- Leadership,
- Initiatives developing a European spirit,
- Planning, Implementation and Evaluation ,
- Administration and Organisation,
- Communications and Human Relations.

More detailed criteria are recommended in the attached form to be used for all evaluations of Directors and Deputies.

6. Before evaluation, the evaluating team will meet the Director/Deputy Director in order to agree the areas for evaluation and the strategies to be employed.

7. At the end of evaluation a brief confidential report will be written referring to performance in the five areas listed above. This report will be sent to the individual assessed, the members of the team, the national authority and the Secretary-General.

8. The person evaluated will have ten days in which to formulate comments in writing concerning the report. In the case of continued disagreement, the appeals procedures of Articles 78-80 of the Regulations for Members of the Seconded Staff may be invoked.

9. In the case of an evaluation concerned with the prolongation of a mandate in the same school, the evaluation report will be sent to the appropriate Inspector's Board for its information

10. In the case of an evaluation concerned with authorising a transfer, the evaluation report will be sent to the appropriate Inspectors' Board to enable it to make a recommendation to the Board of Governors.

VII. CONCLUDING REMARKS

The acquired rights of those already in post before the adoption of these implementing Regulations will be respected. Selection procedures commenced before the adoption of these rules will not be affected by any changes proposed in this document.

ANNEX TO THE IMPLEMENTING REGULATIONS FOR THE APPOINTMENT AND EVALUATION OF DIRECTORS/DEPUTY DIRECTORS IN THE EUROPEAN SCHOOLS

The evaluation of Directors and Deputy Directors will focus on abilities in the following areas:

How successfully does the person evaluated:

- confirm pupils' cultural identity,
- cultivate a European awareness,
- provide a broad education of high quality from nursery to university entrance level,
- develop high standards across the curriculum with particular emphasis on modern languages and on European and global perspectives, particularly in the humanities,
- foster pupils' personal social and academic development and to prepare them for the next stage of education
- cultivate tolerance, cooperation, communication and concern for others throughout the school community and beyond.

The following aspects will be taken into account:

Concerning Leadership and Development of a European spirit

To what extent does the Director/Deputy Director promote the aims and objectives of the European Schools?

Concerning planning, implementation and evaluation

How effective is the Director's/Deputy Director's planning, implementation of plans and evaluation of success in relation to:

- the curriculum
- standards of achievement
- quality of teaching
- creation of a school community
- management of resources

Concerning Administration and Organisation

How effective are the administration and organisation in respect of pupils, staff, resources and accommodation?

Concerning Communication and Human Relations

To what extent are good working relations and effective communication established between all elements of the school community including parents, and with the outside world?

The evaluation group may examine:

- documentation, including the *rapport de rentrée* (beginning-of-year report), school plans, policy statements, minutes of meetings, letters to parents, school records, auditors' reports, financial controllers' reports
- discussion with the Director/Deputy Director
- attendance at meetings,
- accompanying the Director/Deputy Director during classroom visits and debriefing with Teachers
- observation of the organisation of pedagogic days,
- analysis of the School's use of the ELEE & PERSEE programs,
- pursuing major areas of work in progress and curricular initiatives.

Form to be used in the Evaluation of performance of Directors and deputy Directors

I. 1. Personal details

Surname (including maiden name where appropriate):

First name(s):

Date of birth:

Function:

European School:

2. Reason and basis for the evaluation

Date of the last evaluation:

Director/Deputy of the European School

Since:

Director/Deputy of the European School

Since:

Reason for the evaluation: Extension of term of office as Director/deputy of the European School of

Basis for the evaluation:

It is not expected that all of these sources of evidence will be explored.

- Knowledge of the person over a period, arising from comments made by Inspectors, prior consultation, discussions with the Director/deputy, observations of official discussions and meetings.
- Scrutiny of school documentation, including *rapport de rentrée*, school plan, inspection reports, minutes of meetings, etc.
- Evaluation of a class visit and debriefing session on ...
- Chairmanship of a meeting on ...
- Discussion (including self-evaluation) on ...
- Discussions with members of senior staff and representatives of pupils, parents, teachers and other staff.
- Any other evidence.

- Enclosures on self-evaluation provided by the person to be evaluated.

3. Additional information

Official duties outside the school:

e.g. member of European School committees, working parties.

In-service training activities:

e.g. as participant in or organiser of in-service training courses.

II. Aspects of evaluation

1. Leadership

- promotes the aims and objectives of the European Schools
- demonstrates a clear sense of purpose for the School
- innovates and initiates
- delegates appropriately
- shows responsibility, diligence, reliability, imagination and ability to solve problems
- provides advice and guidance to staff
- handles stress effectively

2. Initiatives developing a European Spirit

Evidence of this may include strategies to ensure co-operation between teachers and pupils of different sections; new initiatives; support for inter-school activities.

3. Planning, implementation and evaluation

in relation to - curriculum

- standards of achievement
- quality of teaching
- creation of a school community
- resources (human & material)

- demonstrates pedagogical expertise

- makes competent assessments of staff and the needs of the school
- initiates and supports out-of-school activities
- plans and co-ordinates developments effectively
- promotes in-service and further professional training
- promotes a culture of quality assurance.

4. Administration and organisation

in relation to

- pupils
- human & material resources (e.g. staff, finance, accommodation)

has a good knowledge of the regulations.

5. Communication and Human Relations

- with pupils and staff
- with parents
- with the outside world
- with the agencies of the schools and the ORBG
- cooperates well, and promotes effective team work
- chairs meetings effectively
- presents and argues a case with skill.

III. Relevant personal and professional circumstances

IV. Participants in the assessment process

V. Overall judgement

if applicable, give justification for negative divergence of this assessment from the previous one

- fully meets the demands of the post
- no longer fully meets the demands of the post.

.....
(signature and official title of the assessors)

.....
(place, date)

I have taken note of the above assessment and received a copy. I am aware that in accordance with VI. 8 of the 'Implementing Regulations for the Appointment of Directors and Deputy Directors' (Doc. 2003-D-7610-en-7) I may formulate my comments in writing concerning this report.

.....
(place, date)

.....
(signature of the person assessed)

ANNEX III: ARTICLE 16 – Content of the administrative and management of personal data files

1. There is an individual file managed by the Director of the School to which the member of staff is assigned and/or by the Office of the Secretary-General. It may be a physical file or an electronic file.

2. Content of the file

2.1. This file contains all documents relating to the general situation (pedagogical and/or administrative) of the member of staff, excluding any reference to his/her political, philosophical or religious views,

2.2. Any information which is necessary for implementation of the Staff or Service Regulations applicable to the member of staff or of the contract concluded with him/her may be included, and in particular:

- copies of birth certificates, official records relating to civil status, residence certificates;
- application, curriculum vitae, letter of motivation, copies of diplomas, teacher training certificates, substantiating documents testifying to an additional professional qualification, attendance at in-service training courses and all other career and training documents supplied by the member of staff;
- official documents attesting to the fact that the member of staff has no criminal convictions in certain areas when the rules and regulations of the European Schools relating to child protection or the legislation of the seconding authorities or of the School's host country authorise or impose production of such documents;
- for members of the seconded staff, the official documents showing that the teacher has been made available to the European Schools by the National Authorities;
- for locally recruited teachers and members of the AAS, the vacancy advertisement, the job description, the contract and any amendments thereto;
- any document produced by the member of staff and necessary for implementation of the Staff or Service Regulations or the contract;
- any official document, report or internal memo concerning evaluation and any official document, report or internal memo concerning his/her competence and his/her efficiency in performing his/her duties;
- the annual list of absences and of special leave;
- pay or salary slips, financial and tax documents, statements of account and calculation of the allowances awarded to the member of staff;
- any disciplinary measure decided and the file relating thereto;
- any request made by the member of staff to the Director, to the Administrative Board or to the Secretary-General, any decision taken on this request, any judicial remedy sought, or administrative or contentious appeal lodged, and the decisions taken following these actions;
- any application for promotion and the action taken thereon;
- medical data likely to influence the daily work of the member of staff, the data required for the purposes of preventive medicine, occupational medicine or assessment of the member of staff's fitness for work;
- any clarification from the member of staff connected with one of the aforementioned documents.

3. Procedure and rights of the person concerned.

- 3.1. All documents and observations relating to the individual file will be dated and filed.
- 3.2. The School or the Office of the Secretary-General may not use or cite documents against a member of staff if they were not sent by this member of staff or were not communicated to him/her before they were filed. The communication of any document to a member of staff will be evidenced by his/her signing it or, failing that, by notification by registered letter or electronically, with acknowledgement of receipt.
- 3.3. A member of staff and his/her next of kin have the right, even after he/she has left the service, to acquaint themselves with the documents in his/her file and to obtain a copy of them.
- 3.4. Every precaution will be taken to ensure that the individual file remains confidential, however it is treated.
- 3.5. The information contained in this file may not be disseminated without the consent of the person concerned or, where appropriate, of his/her next of kin. Notwithstanding the foregoing provision, all or a proportion of the data may be transmitted in the following cases:
 - if there are rules and regulations or a legal obligation providing therefor;
 - where the transmission of data to the Secretary-General, to the Inspectors and/or to the seconding authorities proves necessary for performance of their duties;
 - where the transmission of data to a court proves necessary for the hearing of a legal case involving the member of staff, even incidentally.
- 3.6. When it is closed, the file will be kept for a period of 30 years.
- 3.7. A file will be closed within the meaning of Article 3.6. when it is found that no further document needs to be added to or removed from the file with a view to fulfilment of all the obligations of the member of staff, as of those of the European Schools or of the Office of the Secretary-General pursuant to the Staff or Service Regulations applicable.
- 3.8. In accordance with Article 75(8) of the Regulations for the Members of the Seconded Staff, reference to any disciplinary measures and the documents pertaining to the disciplinary procedure will be removed within the time period laid down in the Regulation. The period referred to begins on 31 December of the calendar year during which the disciplinary measure was adopted.
- 3.9. When an appeal has been lodged or legal proceedings have been initiated by the member of staff against the School or the Office of the Secretary-General, by a third party against the School or the Office of the Secretary-General in connection with actions attributed to the member of staff or where the latter is involved, even incidentally, or by the School or the Office of the Secretary-General against the member of staff, the period referred to in Article 3.6. will be suspended until the court's final ruling has been handed down.

- 3.10. The practical arrangements for management of files and of personal data will be defined in an implementing text, adopted by means of a memorandum.

ANNEX IV**BASIC SALARIES OF STAFF OF THE EUROPEAN SCHOOLS WHOSE SECONDMENT STARTED AFTER 31 AUGUST 2011****Salary scales as from 1.07.2020**

Salary scales	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12
Scale 1	6.454,55	6.657,22	6.866,26	7.081,86	7.304,23	7.533,58	7.770,14	8.014,12	8.265,76	8.525,31	8.793,00	9.069,10
Scale 2	5.799,80	5.981,91	6.169,75	6.363,48	6.563,29	6.769,38	6.981,93	7.201,17	7.427,28	7.660,50	7.901,04	8.149,13
Scale 3	5.145,09	5.306,65	5.473,27	5.645,14	5.822,39	6.005,22	6.193,78	6.388,26	6.588,86	6.795,75	7.009,13	7.229,22
Scale 4	4.872,15	5.025,14	5.182,92	5.345,67	5.513,52	5.686,65	5.865,21	6.049,38	6.239,33	6.435,24	6.637,31	6.845,72
Scale 5	4.728,33	4.876,80	5.029,93	5.187,87	5.350,77	5.518,78	5.692,07	5.870,81	6.055,15	6.245,28	6.441,38	6.643,64
Scale 6	4.280,74	4.415,16	4.553,79	4.696,78	4.844,26	4.996,37	5.153,25	5.315,07	5.481,96	5.654,09	5.831,63	6.014,75
Scale 7	3.933,73	4.057,25	4.184,65	4.316,04	4.451,57	4.591,35	4.735,52	4.884,21	5.037,58	5.195,76	5.358,90	5.527,17
Scale 8	3.652,07	3.766,74	3.885,02	4.007,01	4.132,83	4.262,60	4.396,45	4.534,50	4.676,88	4.823,73	4.975,20	5.131,42
Scale 9	3.424,70	3.532,24	3.643,15	3.757,54	3.875,53	3.997,22	4.122,73	4.252,19	4.385,71	4.523,42	4.665,45	4.811,95

SALARY SCALES FOR MEMBERS OF THE SECONDED STAFF OF THE EUROPEAN SCHOOLS

Scale 1

Director
Deputy Secretary-General

Scale 2

Deputy Director for the secondary cycle
Senior Assistant to the Secretary-General in charge of an administrative unit
Central Accounting Officer
Financial Controller
Head of an administrative unit

Scale 3

Secondary school teacher
Deputy Director for the nursery and primary cycle
Deputy Director for Finance and Administration
Assistant Deputy Director for the secondary cycle

Scale 4

Administrative and Legal Officer

Scale 5

Assistant Deputy Director for the nursery and primary cycle
Principal educational adviser⁴

Scale 6

Teacher qualified to teach lower secondary classes only
Assistant Financial Controller

Scale 7

Primary school teacher
Nursery school teacher
Educational adviser
Librarian

Scale 8

Scale 9

Educational adviser with a secondary school leaving certificate but without teaching qualifications⁵

⁴ Function will gradually disappear.

⁵ Function will gradually disappear.

ANNEX V

PROVISIONS FOR IMPLEMENTING THE ARTICLE 27 OF THE STAFF REGULATIONS PERTAINING TO DETERMINATION OF THE ENTRY LEVEL STEP ON THE SCALE

The step to which a member of staff may claim entitlement on appointment shall be dependent on the number of years of relevant professional experience to his credit.

Responsibility for determination of the entry level step on the scale shall lie with the Secretary-General, who may delegate this responsibility to one or more members of the managerial staff referred to in Article 6.c of the Regulations for Members of the Seconded Staff, with the exception of the Administrators-Bursars of the Schools, the Financial Controller and the Assistant Financial Controller.

Except in the case of the managerial staff referred to in Article 6.c of the Regulations, the following shall be taken into account for the purposes of determining the number of years of relevant professional experience:

- any duly certified professional activity, provided that it is directly connected with teaching;
- years of compulsory military service.

Periods of activities pursued part-time shall be calculated pro rata, on the basis of the number of hours which would be worked if these activities were pursued full-time.

A given period may be counted only once.

“Professional activity directly connected with teaching” means:

- teaching activities proper;
- inspection of teaching activities;
- research activities in the areas of education, pedagogy and teaching;
- activities involving the design, writing or production of teaching tools and aids, including textbooks, computer programs and media broadcasts;
- positions in national or local administrations responsible for education, excluding positions whose job description has no connection with education.

Example: working as an accountant in a ministry of education could not be taken into account for a post of seconded teacher. On the other hand, working on curriculum design or putting quality control in place in education constitutes relevant professional experience for such a post.

It is acknowledged that this list of activities is not exhaustive. Any other professional experience will be assessed on a case by case basis. It could only, however, be taken into account if there were a direct and unequivocal connection with the teaching area.

For the managerial staff referred to in Article 6.c of the Regulations, the following shall be taken into account for the purposes of determining the number of years of relevant professional experience:

- any duly certified professional activity, provided that it is directly connected with the nature of the post to which the member of staff is to be seconded;

- years of compulsory military service.

Periods of activities pursued part-time shall be calculated pro rata, on the basis of the number of hours which would be worked if these activities were pursued full-time.

A given period may be counted only once.

The member of staff shall be responsible for providing evidence of his relevant professional experience by producing documents/attestations allowing the following to be certified:

- the duration of his relevant professional experience;
- where applicable, completion of years of compulsory military service.

The curriculum vitae of the member of staff will be validated by his seconding authorities.

ANNEX VI

BASIC SALARIES OF STAFF OF THE EUROPEAN SCHOOLS WHOSE SECONDMENT STARTED BEFORE 1 SEPTEMBER 2011

Salary scales as from 1.07.2020

Salary scales	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12
Scale 1 348,2	6.866,27	7.214,47	7.562,67	7.910,87	8.259,07	8.607,27	8.955,47	9.303,67	9.651,87	10.000,07	10.348,27	10.696,47
Scale 2 348,2	6.169,75	6.517,95	6.866,15	7.214,35	7.562,55	7.910,75	8.258,95	8.607,15	8.955,35	9.303,55	9.651,75	9.999,95
Scale 3 348,2	5.473,27	5.821,47	6.169,67	6.517,87	6.866,07	7.214,27	7.562,47	7.910,67	8.258,87	8.607,07	8.955,27	9.303,47
Scale 4 282,15	5.182,91	5.465,06	5.747,21	6.029,36	6.311,51	6.593,66	6.875,81	7.157,96	7.440,11	7.722,26	8.004,41	8.286,56
Scale 5 306,67	5.029,93	5.336,60	5.643,27	5.949,94	6.256,61	6.563,28	6.869,95	7.176,62	7.483,29	7.789,96	8.096,63	8.403,30
Scale 6 274,35	4.553,77	4.828,12	5.102,47	5.376,82	5.651,17	5.925,52	6.199,87	6.474,22	6.748,57	7.022,92	7.297,27	7.571,62
Scale 7 257,9	4.184,64	4.442,54	4.700,44	4.958,34	5.216,24	5.474,14	5.732,04	5.989,94	6.247,84	6.505,74	6.763,64	7.021,54
Scale 8 217,58	3.885,02	4.102,60	4.320,18	4.537,76	4.755,34	4.972,92	5.190,50	5.408,08	5.625,66	5.843,24	6.060,82	6.278,40
Scale 9 153,2	3.643,15	3.796,35	3.949,55	4.102,75	4.255,95	4.409,15	4.562,35	4.715,55	4.868,75	5.021,95	5.175,15	5.328,35

ANNEX VII

PAYMENT FOR OVERTIME (ARTICLES 38.1 & 51)

As from **1 July 2020**, payment for overtime **for teachers seconded to a European School before 1 September 2011** shall be **€308,21** per month for one period a week in classes in the secondary section and **€199,83** per month for one hour a week in classes in the primary and nursery sections.

As from **1 July 2020**, payment for overtime **for teachers seconded to a European School after 31 August 2011** shall be **€250,94** per month for one period a week in classes in the secondary section and **€159,11** per month for one hour a week in classes in the primary and nursery sections.

Overtime shall be remunerated at the rate for the section in which the hours are worked.

ANNEX VIII

EXCHANGE RATES AND WEIGHTINGS (ARTICLE 47)

As from 1 July 2020, the weightings and exchange rates used pursuant to Article 47.3 shall be as follows:

Country/Place	Coefficient 1.7.2020	Exchange rates 1.7.2020
		1 EURO =
Bulgaria	59,1	1,9558 BGN
Czech Republic	85,2	26,848CZK
Denmark	131,3	7,4531 DKK
Germany	101,9	1 EURO
Bonn	95,8	1 EURO
Karlsruhe	98	1 EURO
Munich	113,9	1 EURO
Estonia	82,3	1 EURO
Ireland	129	1 EURO
Greece	81,4	1 EURO
Spain	94,2	1 EURO
France	120,5	1 EURO
Croatia	75,8	7,5690 HRK
Italy	95	1 EURO
Varese	90,7	1 EURO
Cyprus	78,2	1 EURO
Latvia	77,5	1 EURO
Lithuania	76,6	1 EURO

Hungary	71,9	356,3 HUF
Malta	94,7	1 EURO
The Netherlands	113,9	1 EURO
Austria	107,9	1 EURO
Poland	70,9	4,4664 PLN
Portugal	91,1	1 EURO
Romania	66,6	4,8440 RON
Slovenia	86,1	1 EURO
Slovakia	80,6	1 EURO
Finland	118,4	1 EURO
Sweden	124,3	10,4780 SEK
United Kingdom		0,9154 GBP
Culham		0,9154 GBP

The weightings with a specific date will be applied retrospectively from that date.

In accordance with the Staff Regulations of Officials of the European Union, Annex XI, Article 8, the other elements of the annual adjustment will become applicable on the same date.

ANNEX IX

HOUSEHOLD ALLOWANCE (ARTICLE 53.1)

As from **1 July 2020**, the basic amount of the household allowance provided for under Article 53.1 shall be **€192,78** per month.

SPOUSE'S EARNINGS (ARTICLE 53.3)

The amount referred to in Article 53.3 shall be equal to the annual basic salary, before deduction of tax, of a European Communities official in the second step of grade 3, weighted at the rate laid down in Annex V to these Regulations for the country in which the spouse is gainfully employed.

As from **1 July 2020**, this salary amounts to **€4.002,6** per month.

DEPENDENT CHILD ALLOWANCE (ARTICLE 54.1)

The amount per month of the dependent child allowance referred to in Article 54.1(a) shall be **€421,24** as from **1 July 2020**.

EDUCATION ALLOWANCE (ARTICLES 55.1 and 6)

As from **1 July 2020**, the maximum amount per month of the education allowance referred to in Article 55.1 shall be **€285,81**.

As from **1 July 2020**, the lump-sum education allowance payable under Article 55.6 shall amount to **€102,9**

EXPATRIATION ALLOWANCE (ARTICLE 56.1)

As from **1 July 2020**, the expatriation allowance referred in to Article 56.1 shall not be less than **€571,35** per month.

ANNUAL TRAVEL EXPENSES (ARTICLE 61(2))

The kilometric allowance shall amount from **1 January 2020** to:

€0.0000 for every km from	0 to	200 km
€0,4285 for every km from	201 to	1000 km
€0,7141 for every km from	1001 to	2000 km
€0,4285 for every km from	2001 to	3000 km
€0,1427 for every km from	3001 to	4000 km
€0,0689 for every km from	4001 to	10000 km
€0.0000 for every km over	10000 km .	

To the above kilometric allowance, a flat-rate supplement shall be added, amounting to:

€214,21 if the distance by train between the place of employment and the place of origin is between **600 km** and **1200 km**;

€428,39 if the distance by train between the place of employment and the place of origin is greater than **1200 km**.

**ARTICLE 64(4), SUBPARAGRAPH 2, LAST SENTENCE
TRAVEL EXPENSES**

The flat-rate allowance shall be fixed at **€0.22** per kilometre.

**ARTICLE 65(2)
DAILY ALLOWANCES AND HOTEL CEILINGS FOR MISSIONS IN THE
EU MEMBER STATES**

in EUR

Destinations	Daily allowance	Hotel ceiling
Belgium	102	148
Bulgaria	57	135
Czech Republic	70	124
Denmark	124	173
Germany	97	128
Estonia	80	105
Greece	82	112
Spain	88	128
France	102	180
Croatia	75	110
Ireland	108	159
Italy	98	148
Cyprus	88	140
Hungary	64	120
Latvia	73	116
Lithuania	69	117
Luxembourg	98	148
Malta	88	138
Netherlands	103	166
Austria	102	132
Poland	67	116
Portugal	83	101
Romania	62	136
Slovenia	84	117
Slovakia	74	100
Finland	113	142
Sweden	117	187
United Kingdom	125	209