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## Legislation

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Price: EUR 18

(Continued overleaf)

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The titles of all other acts are printed in bold type and preceded by an asterisk.

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## I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 236/2002**  
**of 8 February 2002**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables <sup>(1)</sup>, as last amended by Regulation (EC) No 1498/98 <sup>(2)</sup>, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 9 February 2002.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 February 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 198, 15.7.1998, p. 4.

## ANNEX

**to the Commission Regulation of 8 February 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	80,9
	204	75,9
	212	110,5
	999	89,1
0707 00 05	052	174,5
	628	223,4
	999	198,9
0709 90 70	052	135,8
	204	139,8
	999	137,8
0805 10 10, 0805 10 30, 0805 10 50	052	51,5
	204	51,1
	212	40,1
	220	45,0
	508	23,9
	624	85,4
	999	49,5
0805 20 10	052	64,1
	204	82,0
	999	73,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	68,0
	204	37,0
	220	59,3
	464	138,7
	600	106,6
	624	88,2
	999	83,0
0805 50 10	052	58,0
	220	43,5
	600	44,4
	999	48,6
0808 10 20, 0808 10 50, 0808 10 90	060	39,9
	400	119,7
	404	92,8
	720	115,4
	728	111,7
	999	95,9
	0808 20 50	388
400		114,0
528		107,0
999		114,3

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 237/2002**  
**of 8 February 2002**  
**suspending the buying-in of butter in certain Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1670/2000 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream <sup>(3)</sup>, as last amended by Regulation (EC) No 1614/2001 <sup>(4)</sup>, and in particular Article 2 thereof,

Whereas:

- (1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in by invitation to tender is to be opened or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92 % of the intervention price.

- (2) Commission Regulation (EC) No 206/2002 suspending the buying-in of butter in certain Member States <sup>(5)</sup> establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by Belgium and the United Kingdom under Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 206/2002 should be repealed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Denmark, Greece, the Netherlands, Austria, the United Kingdom and Sweden.

*Article 2*

Regulation (EC) No 206/2002 is hereby repealed.

*Article 3*

This Regulation shall enter into force on 9 February 2002.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 February 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 48.

<sup>(2)</sup> OJ L 193, 29.7.2000, p. 10.

<sup>(3)</sup> OJ L 333, 24.12.1999, p. 11.

<sup>(4)</sup> OJ L 214, 8.8.2001, p. 20.

<sup>(5)</sup> OJ L 33, 2.2.2002, p. 3.

**COMMISSION REGULATION (EC) No 238/2002**  
**of 8 February 2002**  
**amending Regulation (EEC) No 1627/89 on the buying-in of beef by invitation to tender**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2345/2001 <sup>(2)</sup>, and in particular Article 47(8) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender <sup>(3)</sup>, as last amended by Regulation (EC) No 96/2002 <sup>(4)</sup>, opened buying-in by invitation to tender in certain Member States or regions of a Member State for certain quality groups.
- (2) The application of Article 47(3), (4) and (5) of Regulation (EC) No 1254/1999 and the need to limit intervention to buying-in the quantities necessary to ensure

reasonable support for the market result, on the basis of the prices of which the Commission is aware, in an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying-in is open by invitation to tender, and the list of the quality groups which may be bought in,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

*Article 2*

This Regulation shall enter into force on 9 February 2002.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 February 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21.

<sup>(2)</sup> OJ L 315, 1.12.2001, p. 29.

<sup>(3)</sup> OJ L 159, 10.6.1989, p. 36.

<sup>(4)</sup> OJ L 17, 19.1.2002, p. 39.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO — LIITE — BILAGA

**Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) n° 1627/89**

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1, i forordning (EØF) nr. 1627/89

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1<sup>er</sup> paragraphe 1 du règlement (CEE) n° 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde lidstaten of gebieden van een lidstaat en kwaliteitsgroepen

Estados-Membros ou regiões de Estados-Membros e grupos de qualidades referidos no n.º 1 do artigo 1.º do Regulamento (CEE) n.º 1627/89

Jäsenvaltiot tai alueet ja asetuksen (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laaturyhmät

Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89

Estados miembros o regiones de Estados miembros	Categoría A			Categoría C		
Medlemsstat eller region	Kategori A			Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A			Kategorie C		
Κράτος μέλος ή περιοχές κράτους μέλους	Κατηγορία Α			Κατηγορία Γ		
Member States or regions of a Member State	Category A			Category C		
États membres ou régions d'États membres	Catégorie A			Catégorie C		
Stati membri o regioni di Stati membri	Categoria A			Categoria C		
Lidstaat of gebied van een lidstaat	Categorie A			Categorie C		
Estados-Membros ou regiões de Estados-Membros	Categoria A			Categoria C		
Jäsenvaltiot tai alueet	Luokka A			Luokka C		
Medlemsstater eller regioner	Kategori A			Kategori C		
	U	R	O	U	R	O
Belgique/België			×			
Danmark			×			
Deutschland			×			
Nederland			×			

**COMMISSION REGULATION (EC) No 239/2002****of 8 February 2002****fixing the maximum export refund on wholly milled round grain rice in connection with the invitation to tender issued in Regulation (EC) No 2007/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2007/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2007/2001 is hereby fixed on the basis of the tenders submitted from 1 to 7 February 2002 at 193,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 9 February 2002.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 13.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.



**COMMISSION REGULATION (EC) No 240/2002****of 8 February 2002****fixing the maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries, in connection with the invitation to tender issued in Regulation (EC) No 2008/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2008/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain European third countries pursuant to the invitation to tender issued in Regulation (EC) No 2008/2001 is hereby fixed on the basis of the tenders submitted from 1 to 7 February 2002 at 212,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 9 February 2002.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 February 2002.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 15.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 241/2002****of 8 February 2002****fixing the maximum export refund on wholly milled round grain, medium grain and long grain A rice to be exported to certain third countries in connection with the invitation to tender issued in Regulation (EC) No 2009/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2009/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled grain, medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2009/2001 is hereby fixed on the basis of the tenders submitted from 1 to 7 February 2002 at 203,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 9 February 2002.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 17.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 242/2002****of 8 February 2002****fixing the maximum export refund on wholly milled long grain rice in connection with the invitation to tender issued in Regulation (EC) No 2010/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 2010/2001 <sup>(3)</sup>.
- (2) Article 5 of Commission Regulation (EEC) No 584/75 <sup>(4)</sup>, as last amended by Regulation (EC) No 299/95 <sup>(5)</sup>, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund. In fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund.

(3) The application of the abovementioned criteria to the current market situation for the rice in question results in the maximum export refund being fixed at the amount specified in Article 1.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refund on wholly milled long grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 2010/2001 is hereby fixed on the basis of the tenders submitted from 1 to 7 February 2002 at 297,00 EUR/t.

*Article 2*

This Regulation shall enter into force on 9 February 2002.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 272, 13.10.2001, p. 19.

<sup>(4)</sup> OJ L 61, 7.3.1975, p. 25.

<sup>(5)</sup> OJ L 35, 15.2.1995, p. 8.

**COMMISSION REGULATION (EC) No 243/2002****of 8 February 2002****concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 2011/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice <sup>(1)</sup>, as last amended by Regulation (EC) No 1987/2001 <sup>(2)</sup>, and in particular Article 10(1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion <sup>(3)</sup>, as amended by Regulation (EC) No 1453/1999 <sup>(4)</sup>, and in particular Article 9(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2011/2001 <sup>(5)</sup> opens an invitation to tender for the subsidy on rice exported to Réunion.
- (2) Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95

and on the basis of the tenders submitted, to make no award.

- (3) On the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

*Article 1*

No action shall be taken on the tenders submitted from 4 to 7 February 2002 in response to the invitation to tender referred to in Regulation (EC) No 2011/2001 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98.

*Article 2*

This Regulation shall enter into force on 9 February 2002.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 329, 30.12.1995, p. 18.

<sup>(2)</sup> OJ L 271, 12.10.2001, p. 5.

<sup>(3)</sup> OJ L 261, 7.9.1989, p. 8.

<sup>(4)</sup> OJ L 167, 2.7.1999, p. 19.

<sup>(5)</sup> OJ L 272, 13.10.2001, p. 21.

**COMMISSION REGULATION (EC) No 244/2002****of 8 February 2002****supplementing the Annex to Regulation (EC) No 2301/97 on the entry of certain names in the 'Register of certificates of specific character' provided for in Council Regulation (EEC) No 2082/92 on certificates of specific character for agricultural products and foodstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 9(1) thereof,

Whereas:

- (1) In accordance with Article 7 of Regulation (EEC) No 2082/92, Finland has forwarded an application to the Commission for the name 'Sahti' to be entered in the Register of certificates of specific character.
- (2) The description 'traditional speciality guaranteed' can only be used with names entered in that Register.
- (3) No objection under Article 8 of that Regulation was sent to the Commission following the publication in the *Official Journal of the European Communities* <sup>(2)</sup> of the name set out in the Annex hereto.
- (4) As a consequence, the name set out in the Annex should be entered in the Register of certificates of specific character and thereby protected as a traditional speciality

guaranteed within the Community pursuant to Article 13(2) of Regulation (EEC) No 2082/92.

- (5) The Annex hereto supplements the Annex to Commission Regulation (EC) No 2301/97 <sup>(3)</sup>, as last amended by Regulation (EC) No 2430/2001 <sup>(4)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name in the Annex hereto is added to the Annex to Regulation (EC) No 2301/97 and entered in the Register of certificates of specific character in accordance with Article 9(1) of Regulation (EEC) No 2082/92.

It shall be protected in accordance with Article 13(2) of that Regulation.

*Article 2*

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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ANNEX

**Beer**

— Sahti

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<sup>(1)</sup> OJ L 208, 24.7.1992, p. 9.  
<sup>(2)</sup> OJ C 125, 26.4.2001, p. 5.

<sup>(3)</sup> OJ L 319, 21.11.1997, p. 8.  
<sup>(4)</sup> OJ L 328, 13.12.2001, p. 29.

**COMMISSION REGULATION (EC) No 245/2002****of 8 February 2002****supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the Register of protected designations of origin and protected geographical indications provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2796/2000 <sup>(2)</sup>, and in particular Article 6(3) and (4) thereof,

Whereas:

- (1) Under Article 5 of Regulation (EEC) No 2081/92, Spain has sent the Commission an application for the registration of the name 'Khaki Ribera del Xúquer' as a designation of origin and Italy has sent the Commission two applications for the registration of the names 'Asparago bianco di Cimadolmo' and 'Ciliegia di Marostica' as geographical indications.
- (2) In accordance with Article 6(1) of that Regulation, the applications have been found to meet all the requirements laid down therein and in particular to contain all the information required in accordance with Article 4 thereof.
- (3) No statements of objection have been received by the Commission under Article 7 of that Regulation in respect of the names given in the Annex to this Regulation

following their publication in the *Official Journal of the European Communities* <sup>(3)</sup>.

- (4) The names should therefore be entered in the Register of protected designations of origin and protected geographical indications and hence be protected throughout the Community as protected designations of origin or protected geographical indications.
- (5) The Annex to this Regulation supplements the Annex to Commission Regulation (EC) No 2400/96 <sup>(4)</sup>, as last amended by Regulation (EC) No 2601/01 <sup>(5)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The names in the Annex hereto are added to the Annex to Regulation (EC) No 2400/96 and entered as protected designations of origin (PDO) or protected geographical indications (PGI) in the Register of protected designations of origin and protected geographical indications provided for in Article 6(3) of Regulation (EEC) No 2081/92.

*Article 2*This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ L 208, 24.7.1992, p. 1.<sup>(2)</sup> OJ L 324, 21.12.2000, p. 26.<sup>(3)</sup> OJ C 113, 18.4.2001, p. 7 (Khaki Ribera del Xúquer).  
OJ C 125, 26.4.2001, p. 2 (Asparago bianco di Cimadolmo).  
OJ C 113, 18.4.2001, p. 5 (Ciliegia di Marostica).<sup>(4)</sup> OJ L 327, 18.12.1996, p. 11.<sup>(5)</sup> OJ L 345, 29.12.2001, p. 47.

## ANNEX

**PRODUCTS LISTED IN ANNEX I TO THE EC TREATY, INTENDED FOR HUMAN CONSUMPTION****Fruit and vegetables**

## SPAIN

Kaki Ribera del Xúquer (PDO)

## ITALY

Asparago bianco di Cimadolmo (PGI)

Ciliegia di Marostica (PGI)

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**COMMISSION REGULATION (EC) No 246/2002****of 8 February 2002****granting a temporary derogation from Regulation (EC) No 1445/95 on rules of application for import and export licences in the beef and veal sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal <sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2345/2001 <sup>(2)</sup>, and in particular Article 29 thereof,

Whereas:

- (1) Article 10(1) of Commission Regulation (EC) No 1445/95 <sup>(3)</sup>, as last amended by Regulation (EC) No 2492/2001 <sup>(4)</sup>, provides that export licences are to be issued on the fifth working day following that on which the application was lodged provided that no specific action has been taken by the Commission in the meantime.
- (2) Because of the public holidays in 2002 and the irregular publication of the *Official Journal of the European Communities* during those holidays, the period for reflection of five working days will be too brief to guarantee proper administration of the market. It should therefore be extended temporarily.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

*Article 1*

By derogation from Article 10(1) of Regulation (EC) No 1445/95, licences for which applications are lodged during the periods specified below shall be issued on the corresponding dates provided that no specific action as indicated in paragraph 2 of that Article has been taken prior to those dates:

- from 25 to 26 March 2002, to be issued on 4 April 2002,
- on 6 May 2002, to be issued on 15 May 2002,
- on 12 August 2002, to be issued on 21 August 2002.

*Article 2*

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 21.

<sup>(2)</sup> OJ L 315, 1.12.2001, p. 29.

<sup>(3)</sup> OJ L 143, 27.6.1995, p. 35.

<sup>(4)</sup> OJ L 337, 20.12.2001, p. 18.



**COMMISSION REGULATION (EC) No 247/2002**  
**of 8 February 2002**  
**on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat <sup>(1)</sup>, as last amended by Regulation (EC) No 134/1999 <sup>(2)</sup>,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 2001 to 30 June 2002 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. All applications for import licences from 1 to 5 February 2002 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.
2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of March 2002 for 7 993,100 t.

*Article 2*

This Regulation shall enter into force on 11 February 2002.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 137, 28.5.1997, p. 10.

<sup>(2)</sup> OJ L 17, 22.1.1999, p. 22.

**COMMISSION REGULATION (EC) No 248/2002**  
**of 8 February 2002**  
**determining the world market price for ungin­ned cotton**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 <sup>(1)</sup>,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for ungin­ned cotton is to be determined periodically from the price for gin­ned cotton recorded on the world market and by reference to the historical relationship between the price recorded for gin­ned cotton and that calculated for ungin­ned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 <sup>(3)</sup>. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for ungin­ned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those

considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier coun­tries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for gin­ned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for ungin­ned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

*Article 1*

The world price for ungin­ned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 24,075/100 kg.

*Article 2*

This Regulation shall enter into force on 9 February 2002.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 February 2002.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 148, 1.6.2001, p. 1.

<sup>(2)</sup> OJ L 148, 1.6.2001, p. 3.

<sup>(3)</sup> OJ L 210, 3.8.2001, p. 10.

## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

of 28 January 2002

on the order in which the office of President of the Council shall be held

(2002/105/EC, ECSC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second paragraph of Article 203 thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the second paragraph of Article 27 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 116 thereof,

Having regard to the Council Decision of 1 January 1995 determining the order in which the office of President of the Council shall be held <sup>(1)</sup>, and in particular Article 1(2) thereof,

Having regard to the proposal by Germany and Finland of 18 January 2002,

Whereas:

This Decision is without prejudice to any further amendments to the order in which the office of President shall be held which the Council might adopt, in particular in connection with the accession of new Member States to the Union,

HAS DECIDED AS FOLLOWS:

*Article 1*

The respective periods in which Germany and Finland shall hold the office of President of the Council during the second six months of 2006 and the first six months of 2007 are hereby reversed.

*Article 2*

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 28 January 2002.

*For the Council*

*The President*

J. PIQUÉ I CAMPS

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<sup>(1)</sup> OJ L 1, 1.1.1995, p. 220.

TRANSLATION

**STAFF REGULATIONS OF THE EUROPEAN UNION INSTITUTE FOR  
SECURITY STUDIES <sup>(1)</sup>**

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<sup>(1)</sup> Adopted by the Council by the written procedure on 21 December 2001, pursuant to Article 8 of Council Joint Action No 554/CFSP of 20 July 2001 (OJ L 200, 25.7.2001, p.1).

**PREAMBLE**

Article 1

**TITLE I — GENERAL PROVISIONS**

Article 2 — Provisions applicable to all staff members

- Authority
- Declaration
- Conduct
- Financial responsibility
- Security

**TITLE II — STATUS OF STAFF MEMBERS****CHAPTER I — GENERAL PROVISIONS**

Article 3 — General provisions applicable to staff members

- Privileges and immunities
- Assistance and compensation
- Proprietary rights
- External activities
- Candidacy for public or political office

**CHAPTER II — RECRUITMENT AND CONTRACTS**

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Article 5 — Age limit for employment

Article 6 — Medical examinations

Article 7 — Contracts and length of contracts

- Initial contracts
- Probationary period
- Termination of contracts
- Compensation for loss of job
- Reduced notice of termination
- Special provisions concerning research fellows

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Article 10 — Expatriation allowance

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- Household allowance
- Children's and other dependants' allowance
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- Internal tax
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Article 19 — Hours of work

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Article 30 — Appeals

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Article 32 — Retirement pension

Article 33 — Invalidity pension

Article 34 — Survivor's pension

Article 35 — Orphan's or dependant's pension

Article 36 — Provisional pensions

**TITLE III — PROVISIONS APPLICABLE TO TEMPORARY STAFF**

Article 37 — Statutory provisions

Article 38 — Contracts

Article 39 — Remuneration

Article 40 — Special provisions

**TITLE IV — PROVISIONS APPLICABLE TO PAID EXPERTS, RESEARCH AWARD HOLDERS AND TRAINEES**

Article 41 — Statutory and financial provisions

*ANNEX I* Indemnity for loss of job

*ANNEX II* Expatriation allowance

*ANNEX III* Children and other dependants

*ANNEX IV* Handicapped dependants

*ANNEX V* Rent allowance

*ANNEX VI* Travel costs and removal expenses

*ANNEX VII* Official duty expenses

*ANNEX VIII* Sick leave, maternity leave and other special leave

*ANNEX IX* Composition and procedures of disciplinary boards

*ANNEX X* Appeals Board

## PREAMBLE

The Institute for Security Studies is an agency of the European Union, and is affiliated to the Coordinated Organisations.

*Article 1*

These Regulations define the status, rights, duties and responsibilities of the members of the staff of the European Union Institute for Security Studies, hereinafter referred to as 'the Institute'.

The staff of the Institute shall consist of natural persons who hold contracts as staff members or temporary staff. Paid

experts, research award holders and trainees are subject to specific provisions listed in Title IV.

The Director of the Institute is authorised to make such amendments to these Regulations as prove necessary, with the assent of the Board.

These Regulations shall apply to all staff members, except where the Board has taken decisions to the contrary in respect of *hors grade* personnel.

## TITLE I

## GENERAL PROVISIONS

*Article 2***Provisions applicable to all members of the staff**1. Authority

Staff members shall be subject to the authority of the Director and responsible to him for the performance of their duties, which they shall undertake to carry out as scrupulously and conscientiously as possible.

2. Declaration

On accepting engagement with the European Union Institute for Security Studies each staff member shall subscribe to the following declaration:

'I solemnly undertake to exercise in all loyalty, discretion and conscience the functions entrusted to me as member of the staff of the European Union Institute for Security Studies, and to discharge these functions with the interests of the Institute only in view. I further undertake not to seek or accept instructions in regard to the performance of my duties from any government or from any authority other than the Institute.'

3. Conduct

Staff members shall at all times conduct themselves in a manner compatible with their status as representatives of the European Union Institute for Security Studies. They shall abstain from any action or activity that may in any way

undermine the dignity of their position or the good name of the Institute.

4. Financial responsibility

Staff members may be required to reimburse the Institute, either partly or in full, for any financial loss suffered by it owing to their negligence, or because they have deliberately violated any regulation or procedure approved by the Board or the Director.

5. Security

Staff members shall, on engagement, acquaint themselves with the Institute's security regulations. They shall sign a declaration whereby they acknowledge their disciplinary and financial responsibility in the event of non-compliance with those regulations.

- (a) All staff members, including temporary staff, research award holders and trainees, may be required to have security clearance giving them access to classified documents in the course of their duties. A request for such clearance will be addressed to the competent authorities by the Institute's Security Officer. Pending official clearance, temporary clearance may be granted by the Director.
- (b) Staff members shall inform the Security Officer immediately in the event of the suspected loss or compromise of a classified document.

## TITLE II

## STATUS OF STAFF MEMBERS

## CHAPTER I

## GENERAL PROVISIONS

## Article 3

**General provisions applicable to staff members**

*Staff members of the Institute are natural persons holding contracts as defined in Chapter II, and occupying budget posts listed in the table of staff annexed each year to the Institute's budget.*

1. Privileges and immunities

The privileges and immunities conferred on staff members are accorded in the interests of the European Union Institute for Security Studies and not for their personal convenience. They must not be used to avoid private obligations, or as an excuse for failure to observe the laws or police regulations of the host State.

In any incident where these privileges and immunities are involved, the staff member concerned shall immediately report the incident to the Director. In the event of infringement of local legislation, the Director may decide to waive the privileges or immunities if he deems this necessary.

2. Assistance and compensation

The Institute shall provide assistance to staff members who, by reason of their current appointment or duties at the Institute, and through no fault of their own, are subject to threats, insults, defamation or attack. Compensation for any material damage sustained may be granted provided that:

- the staff members have not wilfully or through negligence provoked the damage in question;
- no redress has been obtained;
- staff members make over to the Institute any claims they may have against a third party, in particular insurance companies.

All decisions in this matter that could involve action or payments by the Institute shall be taken by the Director, who has a discretionary power in assessing the circumstances of the case, what form the assistance should take and what compensation, if any, should be granted.

3. Proprietary rights

All rights, including title, copyright and patent rights, in any work carried out by a staff member in the performance of his official duties, shall be vested in the Institute.

4. External activities(a) *General*

Vis-à-vis outside organisations and persons, staff members shall obtain the prior approval of the Director if they wish to:

- make any public statement, in particular to any public information body, concerning the Institute's activities;
- give lectures or engage in teaching activities directly connected with their work at the Institute;
- accept fees or remuneration for such lectures or teaching activities;
- accept decorations or honours, or any material advantages associated with these.

(b) *The special situation of research fellows*

The duties of research fellows include the establishment of relations with bodies and persons external to the Institute. Research fellows shall therefore be authorised to give lectures, communicate to the mass media and publish, providing they first obtain the approval of the Director.

5. Candidacy for public or political office

Staff members who for personal reasons wish to stand for public or political office shall notify the Director of that intention.

Any staff member who stands for public or political office shall be given unpaid leave starting on the date he declares that he is beginning his electoral campaign.

If elected, the staff member shall request the termination of his contract. Such termination shall not carry any entitlement to loss-of-job indemnity.

If he does not accept the public or political office, the staff member shall be entitled to resume his appointment with the same salary and seniority from which he benefited at the time.

Time spent on unpaid leave shall not count towards seniority or pension rights. During his unpaid leave the staff member may be replaced by temporary staff.

## CHAPTER II

## RECRUITMENT AND CONTRACTS

## Article 4

**Recruitment**

1. Offers of employment shall be made by the Director, except in respect of the post of Director. The Institute shall be responsible for publishing vacant posts.



2. Candidates under 20 or over 60 years of age will not normally be considered for engagement.

3. Candidates closely related by blood or marriage to a staff member will not normally be selected for engagement. Exceptions may be authorised by the Director, provided that neither of the persons concerned serves in a capacity subordinate to the other.

4. The recruitment of staff members shall be limited to nationals of the Member States of the European Union.

5. Staff members shall be engaged at the lowest step of the grade of the post for which they are selected. However, the Director may grant a higher step where this is justified.

6. The Director shall determine which posts are to be filled by examination or competition, and shall lay down the tests for engagement which candidates for such posts will be required to pass. Examining or selection boards shall be chosen by the Director from among the staff of the Institute, to which he may add an external examiner.

7. The travel and accommodation costs of candidates invited to the Institute for interview or examination shall be met on the same conditions as those applying to staff members travelling on duty <sup>(1)</sup>.

#### Article 5

##### Age limit for employment

The age limit for employment is set at the end of the month in which the staff member reaches the age of 65. The Director may authorise extensions up to a maximum of 12 extra months.

#### Article 6

##### Medical examinations

1. Engagement of staff members shall be subject to a statement from a doctor approved by the Institute certifying that the candidate is physically fit for employment, and that he is free from any disability or disease that would represent a risk to other staff members.

2. Staff members shall be required to undergo a medical examination each year.

3. The doctor approved by the Institute shall provide expert advice to the Director on the unsuitability of any staff member to continue to occupy his post.

4. If the results of an annual or other medical examination show that a staff member is no longer able to carry out his duties, his contract shall be terminated within three months and a medical board shall be convened to establish his entitlement.

<sup>(1)</sup> See Annex VII.

#### Article 7

##### Contracts and length of contracts

###### 1. Initial contracts

Apart from specific provisions applicable to the Director and research fellows, initial contracts given by the Institute shall be for three years. These contracts may be renewed by the Director for the same or shorter periods, with the staff member's agreement.

###### 2. Probationary period

The first six months of initial contracts shall be a probationary period beginning on the date of entry into service.

During that period, a contract may be terminated, without any right to loss-of-job indemnity, with one month's notice given by the Institute or the staff member.

At the end of the probationary period, or earlier, the staff member shall receive notice in writing that his contract is confirmed or terminated.

The probationary period shall form an integral part of the period of the initial contract. It shall count towards seniority and pension rights.

###### 3. Termination of contracts

In the situations provided for in Annex I, contracts may be terminated or not renewed by the Institute or the staff member himself:

(a) *by the Institute,*

(i) with six months' notice:

- as a result of the suppression of the budget post occupied by the staff member,
- through a change in the nature or functions pertaining to the post,
- because of the professional inadequacy of the staff member, duly recorded in two successive annual reports, or
- through physical unfitness of the staff member that has occurred while serving.

(ii) with a maximum of one month's notice, following any disciplinary procedures that have established a misdemeanour or responsibility of the staff member as defined in Chapter VI.

(b) *by the staff member,* with three months' notice, for any personal reasons that he is not required to state.

###### 4. Compensation for loss of job

Other than for disciplinary reasons, the termination or non-renewal of a contract by the Institute shall entail:

1. for staff members with more than 10 years' service, the settlement of deferred pension rights, accompanied by the payment of a loss-of-job indemnity under the conditions set out in Annex I;

2. for staff members with less than 10 years' service, the payment of a leaving allowance, with loss-of-job indemnity for staff members whose contracts have been prematurely terminated, under the conditions set out in Annex I;
3. for staff members whose contracts have been terminated for reasons of physical unfitness and whose permanent invalidity has been established by an ad hoc medical board, the granting of invalidity under the conditions laid down in the Pension Scheme Rules.

The termination or non-renewal of a contract by a staff member shall not entitle him to loss-of-job indemnity<sup>(1)</sup>.

#### 5. Reduced notice of termination

If the interests of the service so require, the period of notice stipulated at paragraph 3(a) may be reduced; in that case the staff member concerned shall be entitled to the payment of an additional sum representing the salary and allowances that he would have received if the actual date of expiry of his contract had coincided with the end of a six-month period of notice.

These provisions shall not apply in the case of termination for disciplinary reasons.

#### 6. Special provisions concerning research fellows

The Institute's research fellows shall have three-year, non-renewable contracts. The Director may, however, grant one or more extensions up to a total not exceeding 24 months.

### CHAPTER III

## SALARIES AND ALLOWANCES

### Article 8

#### General provisions

The remuneration paid to members of the Institute's staff shall include basic salary, expatriation allowance, and family and social allowances.

Those emoluments shall be reduced by contributions and deductions in respect of internal tax, the pension scheme and social welfare.

Staff members' current accounts shall be credited with the amount due during the last working week of the month.

Changes in staff members' personal circumstances that may have financial consequences shall be taken into account for the remuneration of the month during which changes are notified to the Institute's administrative section; changes to remuneration already paid may not be made.

<sup>(1)</sup> For the conditions governing entitlement to and calculation of loss-of-job indemnity, see Annex I.

### Article 9

#### Basic salary

Net basic salary shall be the amount shown for the grade and step of a staff member in the scales approved each year by the Board.

Gross basic salary shall correspond to net basic salary plus the internal tax due from the staff member.

### Article 10

#### Expatriation allowance

This allowance shall be paid to staff members in A, L and B grades who, at the time of their first appointment, were not nationals of the State in whose territory their permanent place of duty is situated and who had not been continuously resident in that State's territory for three years.

This allowance shall cease to be payable if a staff member is transferred to the country of which he is a national.

The amount of the allowance shall be calculated in accordance with Annex II.

Where a staff member is appointed by the Institute immediately after having been employed in the country where he performs his duties by another international organisation or administration, years of service with his previous employer shall be taken into account when calculating entitlement to the allowance and the amount thereof.

### Article 11

#### Family and social allowances

These allowances shall be added to basic salary monthly.

#### 1. Household allowance

This allowance:

- (a) shall be paid to any staff member who is married, widowed, divorced, legally separated or single and has at least one dependant within the meaning of Annex III to these Regulations;
- (b) shall be equal to 6 % of net basic salary;
- (c) in the case of a married staff member who has no dependants but whose spouse is gainfully employed, the allowance payable shall be the difference between the net basic salary for grade B3 step 1 plus the allowance to which the staff member would be entitled in theory, and the earned income of the spouse. If the latter amount is equal to or greater than the former, no allowance shall be payable;

(d) shall not be paid to a staff member whose spouse is a member of an international organisation and has a higher basic salary than the staff member.

## 2. Children's and other dependants' allowance

This allowance:

- (a) shall be paid to staff members who mainly and continuously maintain either a legally recognised child or another member of their family by virtue of a legal or judicial obligation, or a child who has lost both parents and for whom they have assumed responsibility;
- (b) shall be a fixed amount for each dependant, set each year in the scales approved by the Board;
- (c) where both spouses work for international organisations, shall be paid to whichever of them is in receipt of household allowance or equivalent.

Definitions and the conditions under which this allowance is granted are set out in Annex III.

## 3. Education allowance

Staff members who are entitled to household allowance, and whose dependent children, as defined in Annex III, are in full-time primary, secondary or higher education <sup>(1)</sup>, shall be entitled to an annual education allowance. The allowance shall be equal to twice the amount of the dependent child's allowance, and shall be payable for each child in one sum at the beginning of the school year. The staff member concerned shall provide to the administrative section all supporting evidence at the beginning of the school year.

## 4. Handicapped children's and other dependants' allowance

- (a) An allowance for handicapped children or dependants shall be paid to staff members who are primarily and continuously responsible for their care. The child or dependant must fulfil the criteria and conditions set out in Annex III.
- (b) The details of allocation and payment of the allowance are given in Annex IV.

## 5. Rent allowance

- (a) This allowance shall be paid monthly to grade B, C, A1 and L1 staff members who are tenants or sub-tenants of accommodation and who pay a rent — excluding service charges considered to be the liability of the tenant in the country of residence — that exceeds a specified proportion of their emoluments.
- (b) The method of calculating the allowance is set out in Annex V.
- (c) Staff members in receipt of rent allowance shall inform the Head of Administration and Personnel immediately of any

<sup>(1)</sup> i.e. excluding nursery school or equivalent.

change in their circumstances that could affect their eligibility for the allowance.

- (d) The allowance shall not be paid to staff members:
  - who receive a similar benefit from the authorities of the State of which they are nationals;
  - whose spouse receives a similar allowance from another international organisation.

## Article 12

### Extra duties allowance

An extra duties allowance may be granted by the Director to staff members who are required, in the interests of the service, to assume temporarily part or all of the responsibilities of a staff member of a higher grade. The allowance shall be paid on the basis of the remuneration of two additional steps in the grade of the staff member and shall take effect only after one month's continuous service in a higher grade post.

## Article 13

### Installation allowance

1. An installation allowance shall be paid to staff members whose place of residence was more than 100 kilometres or 60 miles from their duty station at the time they accepted employment with the Institute.
2. The amount of the allowance shall be 30 days' basic salary.
3. The installation allowance shall be paid to the staff member when he assumes his duties at the Institute.
4. Staff members shall be required to reimburse half the installation allowance if they leave their appointment of their own accord before two years have elapsed.
5. The Director may authorise an exception to the provisions governing reimbursement where their strict application might cause special hardship.

## Article 14

### Deductions

#### 1. Internal tax

Internal tax shall amount to 40 % of the basic salary in respect of a given grade and step. This sum shall be added to net basic salary to give gross basic salary. This sum shall be shown as a monthly deduction on pay slips.

#### 2. Contributions to pension scheme

A monthly deduction equal to 8,3 % of net basic salary shall be made from staff members' emoluments and paid into the Institute's pensions budget.

### 3. Social security contributions

A monthly deduction in respect of social security, equal to 5,5 % of net basic salary, shall be made from staff members' emoluments. This amount shall be added to the employer's contribution and paid to the local social security body responsible for recovering such contributions (URSSAF).

### 4. Contributions to supplementary insurance scheme

A monthly deduction in respect of supplementary insurance shall be made from staff members' emoluments. The percentage shall be determined at the beginning of the year for the following 12 months by agreement between the Institute and the insurance company operating the scheme. The amount deducted shall be added to the employer's contribution and paid at the end of the year to the company providing this insurance.

#### Article 15

### Salary advances and reimbursement

1. Unless decided otherwise by the Director, the Institute's Head of Administration and Personnel may, depending on available cash resources, authorise interest-free advances to staff members who can justify this need.
2. The amount of this advance shall not exceed 3 months' net basic salary.
3. Such advances shall be repaid by monthly deductions from staff members' emoluments; repayment of the advances must be completed when the salaries for the last month of the financial year are paid.

#### CHAPTER IV

### TRAVEL COSTS

#### Article 16

### Installation and departure

1. Staff members shall be entitled to reimbursement of travel costs for the journey from their previous place of duty to the location of the Institute, in respect of themselves and members of their family living with them.
2. The same entitlement shall apply when staff members leave the service of the Institute and return to the country where they were in post before joining the Institute.
3. Reimbursement shall be made in accordance with the provisions of Annex VI, Section I.

#### Article 17

### Removal expenses

1. Staff members shall be entitled to reimbursement of the costs of removal from their previous place of duty to the location of the Institute.

The same entitlement shall apply when staff members leave the service of the Institute and return to the country where they were in post before joining the Institute.

2. Reimbursement of costs shall cover removal of staff members' personal household effects, excluding motor cars, boats or other forms of transport, or insurance premiums, up to the limits, in weight and volume, set out in Annex VI.

Reimbursement shall be made to the staff member concerned, on production of a certified bill by the staff member.

#### Article 18

### Travel on duty

Staff members of the Institute shall be entitled to reimbursement of expenses incurred in connection with travel on official duty ordered by the Director<sup>(1)</sup>.

Reimbursement shall concern travel costs proper plus accommodation and associated costs in the places to which staff members are sent. The conditions, rates and other details of reimbursement are as set out in Annex VII.

#### CHAPTER V

### INTERNAL ORGANISATION

#### Article 19

### Hours of work

The normal working hours for staff members shall be 40 hours per week, to be completed between 09.00 hours on Monday and 17.00 hours on Friday.

Flexible working hours may be agreed by the Director in accordance with staff members' personal circumstances or the constraints of their particular work.

If exceptional circumstances, decided at the discretion of the Director, so require, some staff members may be required to work on Saturdays. In such cases, the hours worked shall give entitlement to equivalent time off on a weekday.

#### Article 20

### Public holidays

Public holidays in the host State shall be observed by the Institute. In the case of France, those days are:

- (a) New Year's Day (1 January)
- (b) Easter Monday
- (c) Labour Day (1 May)
- (d) VE Day (8 May)
- (e) Ascension Day

<sup>(1)</sup> Such reimbursement is representative of expenses, and should not be seen as additional remuneration.

- (f) Whit Monday
- (g) Bastille Day (14 July)
- (h) Assumption Day (15 August)
- (i) All Saints' Day (1 November)
- (j) Armistice Day (11 November)
- (k) Christmas Day (25 December)

These public holidays shall not be deducted from staff members' annual leave entitlement.

If one of these days falls on a Saturday or Sunday, the Director may designate another day in lieu.

#### Article 21

##### Leave

#### 1. Annual leave

##### (a) *Entitlement*

Staff members shall be entitled to paid annual leave at the rate of 2,5 working days for each month of service completed. This entitlement shall apply each calendar year.

Staff members recruited between 1 April and 30 July shall be entitled to an advance of 15 days' leave from their annual entitlement if the leave is to be taken after the latter date.

If on 31 December a staff member has, owing to the exigencies of his work, an unexpended period of leave due, the Director or his delegate may authorise the carrying forward of all or part of the unexpended leave to the following year. Any entitlement carried forward but not taken by 31 March shall be cancelled.

##### (b) *Administrative procedure*

Staff members wishing to take leave within their entitlement as defined in (a) must obtain the prior authorisation of the Director.

A record of leave taken shall be kept by the Institute's administrative section, from which staff members may obtain leave application forms. That record shall show the number of days' leave remaining in the current year.

Staff members complete the sections on:

- number of days' leave requested,
- date and time of departure,
- date and time of return,
- country or countries in which the leave is to be spent,
- leave address (optional), and
- telephone number while on leave (where applicable).

After signature by the Director or his delegate, the leave application form shall be returned by the staff member to the administrative section and kept in the staff member's personal file.

#### (c) *Leave unexpended on departure of staff members*

Leave unexpended at the time staff members depart from the Institute shall be cancelled. However, if the Director certifies in writing that, owing to the exigencies of work, it was impossible for a staff member to take all his leave, the staff member shall be entitled to a compensatory payment of one sixtieth of his monthly net basic salary for each day of leave so accumulated.

#### 2. Unpaid leave

If requested by a staff member, the Director may grant additional, unpaid leave up to a limit of 15 consecutive days.

This does not affect either seniority or pension rights.

However, the full deductions in respect of pensions and social welfare will be made as if the staff member had been paid normally for the period of unpaid leave.

#### 3. Sick leave, maternity leave and other special leave

Special leave shall be granted, in addition to annual leave, for illness, maternity or exceptional circumstances.

Details and the procedures to be followed are given in Annex VIII.

#### Article 22

##### Home leave

Staff members who are entitled to expatriation allowance shall be eligible, for each period of three years' service, to reimbursement of the costs of one journey to and from the country of which they are nationals, in respect of themselves and members of their family living with them.

Travel costs shall be reimbursed by the administrative section, having evaluated the least costly means of transport under the conditions laid down in Annex VII.

Home leave shall carry an entitlement to five days' leave in addition to the annual entitlement.

#### CHAPTER VI

#### REPORTS AND PROMOTION

#### Article 23

##### General provisions

1. The work of all staff members, apart from the Director, shall be evaluated once a year, at the latest by 15 December.

Reports shall comment on the relative proficiency of staff members and shall provide the opportunity to congratulate staff members or, on the contrary, warn them of shortcomings with a view to an improvement in their service.

2. Reports shall concern the following criteria:

- (a) diligence and punctuality,
- (b) quality and speed of execution of work,
- (c) initiative
- (d) propriety and human relations.

Each criterion shall be assessed on a scale of 0 to 5. The entire evaluation shall be summarised on an annual report form kept in the staff member's personal file.

#### Article 24

##### Procedure

1. The Director shall designate the staff members responsible for reporting on personnel wholly or partly subordinate to them.

2. When all reports have been written, the Director shall convene a Promotions Board, chaired by himself, which shall include all staff members who have written one or more reports. The Head of Administration and Personnel shall attend all meetings of the Promotions Board, and shall have a right to vote regarding his own subordinates and a consultative role regarding others.

3. On the basis of the advice of the Head of Administration, the Director shall make a definitive evaluation of each staff member and have reports written that shall be signed by all members of the Promotions Board.

4. Each staff member shall be interviewed personally by the Director, or his delegate if necessary, normally during a session of the Promotions Board. He shall be notified of his annual evaluation, and shall sign the report form, thus testifying that he has been informed of it.

5. An annual report is an administrative measure for internal use, against which there can be no appeal to any external body.

#### Article 25

##### Follow-up action on reports

1. An exceptionally good report may justify exceptional promotion to a higher step or even grade, provided that the budgeted post allows such promotion.

2. Two successive adverse reports shall justify keeping the staff member at his present step for an additional year.

3. Two or more adverse reports may justify non-renewal of contracts.

## CHAPTER VII

### DISCIPLINARY PROCEDURE

#### Article 26

##### Definitions

1. Any failure by a staff member or former staff member to comply with his obligations under the Staff Regulations, whether intentionally or through negligence on his part, shall make him liable to simple, financial or statutory disciplinary action, notwithstanding the compensation he may be required to make by virtue of Article 2(4) and Article 27 of these Regulations.

(a) Simple disciplinary measures shall include:

- verbal warning;
- written censure.

(b) Financial measures shall include:

- withholding of an annual salary increment;
- immediate reduction in step at the same grade.

(c) Statutory measures shall include:

- temporary suspension from duties entailing the withholding of emoluments in whole or in part;
- removal from post, involving termination of contract, accompanied by total or partial forfeiture of loss-of-job indemnity, and possibly accompanied by reduction or temporary suspension of benefits under the pension scheme.

Disciplinary measures shall be decided by the Director; simple disciplinary measures may be decided by the Head of Administration and Personnel, acting on behalf of the Director, except where a meeting of the Disciplinary Board is convened<sup>(1)</sup>.

2. If a charge of serious misconduct is made against a staff member, and the Director considers that the charge is *prima facie* well founded, and that the staff member's continuance in office during an investigation would prejudice the Institute, the staff member concerned may be immediately suspended from his functions pending the results of the investigation, with or without pay at the discretion of the Director.

#### Article 27

##### Compensation for damage

Staff members may be required to pay compensation, either in part or in full, for any damage sustained by the Institute through their gross negligence or wilful act. Where the staff member has left the Institute, this compensation may be obtained by withholding a percentage of the benefits due under the pension scheme, up to 70 % of the pension.

<sup>(1)</sup> In this case, the disciplinary measure is decided by the Director himself.

## Article 28

**Notification of complaints**

When a proposal is made that a disciplinary measure under Article 26 be taken against any staff member, he shall be notified in writing within two clear days after the request for disciplinary action has been lodged with the Director or the Head of Administration and Personnel. Such notification shall be accompanied by the documents relating to the ground of the complaint against him, together with all reports written on him.

## Article 29

**Disciplinary Board**

Within five working days of his being notified as provided by Article 28, the staff member concerned may make a request in writing that his case be examined by a Disciplinary Board, which shall be convened by the Director within five days. The Disciplinary Board shall meet during the week following the date of issue of the convocation.

The composition and procedures of the Disciplinary Board are given in Annex IX.

The opinion of the Disciplinary Board shall not be binding upon the Director.

## CHAPTER VIII

**APPEALS AND APPEALS BOARD**

## Article 30

**Appeals**

Serving or former staff members, or their heirs and assigns, may appeal against decisions made by the Director. Such appeals, or procedures arising from them, shall not stay the execution of the decisions being complained of.

1. Internal administrative appeals

An internal administrative appeal is a procedure whereby a staff member who considers that he has suffered an infringement of his rights as laid down in these Regulations submits a reasoned request to the Director of the Institute to reverse the decision that he considers has infringed those rights.

The Director shall acknowledge this appeal and reply within five clear days of receipt of the request.

In the event of a negative reply, the staff member may request mediation. Such mediation is not obligatory.

2. Mediation

The mediator shall be a qualified, independent legal expert appointed by the Director for a renewable period of three years.

He shall be provided by the Director and the staff member concerned with all the documents he considers necessary for an examination of the case.

He shall submit his conclusions within 15 days of the date on which he has been apprised of the case.

These conclusions shall not be binding on either the Director or the staff member.

The costs of mediation shall be borne by the Institute if the conclusions are refuted by the Director; 50 % of the costs shall be borne by the staff member if it is he who refuses to accept the findings.

3. Contentious appeals

Having exhausted the possibilities of the first resort (an internal administrative appeal), staff members shall be at liberty to seek a settlement before the Institute's Appeals Board.

The composition, operation and specific procedures of that body are given in Annex X.

4. Decisions of the Appeals Board

Decisions of the Appeals Board shall be binding on both parties. There shall be no appeal from them.

- (a) The Board may annul, or confirm, the decisions complained of.
- (b) The Board may incidentally order the Institute to compensate any material damage sustained by the staff member starting from the day the annulled decision began to have effect.
- (c) It may further rule that the Institute shall reimburse, within limits to be fixed by the Board, justified expenses incurred by the claimant, as well as expenses relating to transport and subsistence incurred by witnesses who have been heard. These expenses shall be calculated on the basis of Article 18 and Annex VII of these Regulations.

## CHAPTER IX

**PENSION SCHEME**

*All of the relevant rules and conditions are contained in the Pension Scheme Rules of the Institute for Security Studies, in accordance with the pension scheme of the Coordinated Organisations.*

*The Pension Scheme Rules are an integral part of the Staff Regulations of the Institute. Articles 31 to 36 below are only a summary of the main provisions of the Pension Scheme Rules, the full text of which prevails.*

## Article 31

**Leaving allowance**

1. A staff member leaving the Institute before having completed 10 years' service<sup>(1)</sup> shall be entitled to a leaving allowance (as provided for in the Pension Scheme Rules).
2. The allowance shall be made up of two components:
  - an amount equal to one month and a half of his last net basic salary multiplied by the number of years (or part years) of service;

<sup>(1)</sup> Years of previous reckonable service in another Coordinated Organisation shall be taken into account when calculating this entitlement, provided that the staff member did not receive this allowance in his previous post.

— the aggregate amount deducted from his monthly salary in respect of pension contributions, together with compound interest at the rate of 4 % per annum.

#### Article 32

##### **Retirement pension**

1. Staff members having completed 10 or more years' actual service at the Institute <sup>(1)</sup> shall be entitled to a retirement pension. Staff members shall be entitled to draw that pension once they have reached the age of 60. Before that age, the payment of the retirement pension shall be deferred.
2. The amount of the pension shall be proportional to the number of years' reckonable service. It shall be paid monthly to staff members in the form of an annuity.
3. Barring any exceptional decision taken by the Director, staff members shall automatically receive a pension once they reach the age of 65 if they have served at least 10 years.

#### Article 33

##### **Invalidity pension**

1. In accordance with Article 6(4) of these Regulations, a staff member who is recognised to be suffering from permanent invalidity that totally prevents him from performing the duties attached to his employment, shall be entitled to an invalidity pension.
2. The amount of the invalidity pension shall be equal to the retirement pension to which the staff member would have been entitled at the age limit laid down in these Regulations if he had continued to serve until that age and without the need for a minimum of 10 years' service under Article 32(1). It shall be payable to the staff member monthly in the form of an annuity beginning on the 1st of the month following the date on which the invalidity is officially recognised.

#### Article 34

##### **Survivor's pension**

1. The surviving spouse of a staff member who has died while still serving shall be entitled to a survivor's pension.
2. This pension shall be payable monthly to the surviving widow or widower in the form of an annuity beginning on the

<sup>(1)</sup> Years of previous reckonable service in another Coordinated Organisation shall be taken into account when calculating this entitlement, provided that the staff member joined the Institute not more than six months after having left his post in the other organisation.

1st of the month following the date on which the serving staff member died <sup>(2)</sup>.

3. Entitlement to a survivor's pension shall cease at the end of the month during which the survivor's death occurs or during which the latter ceases to satisfy the conditions for entitlement to the pension.

#### Article 35

##### **Orphan's or dependant's pension**

1. Where a staff member still serving or entitled to an invalidity or an immediate or deferred retirement pension dies, his children or other dependants shall be entitled to a pension under the terms laid down in the Pension Scheme Rules.
2. 'Children or other dependants' shall mean persons that satisfy the conditions specified in Annex III to the Staff Regulations. Children born not more than 300 days after the death of the staff member shall also be entitled to the pension.
3. Entitlement to the pension shall cease at the end of the month during which the child or other dependant ceases to satisfy the conditions for entitlement to the allowance for a child or dependant.

*The retirement and invalidity pensions referred to in the preceding Articles are revertible to the surviving spouse on the terms laid down in the Pension Scheme Rules.*

#### Article 36

##### **Provisional pensions**

1. Where a serving staff member or former staff member in receipt of a retirement or invalidity pension has been missing for more than a year in circumstances justifying a presumption of death, the spouse or persons recognised as dependants may provisionally be awarded a survivor's pension, or orphan's pension, as appropriate.
2. The provisions of paragraph 1 shall apply to persons recognised as dependants of a widowed spouse in receipt of a survivor's pension who has been missing for more than one year.
3. Provisional pensions under paragraphs 1 and 2 shall be converted into definitive pensions when the death of the staff member or spouse has been established officially or when that person has been declared missing by a final court decision.

<sup>(2)</sup> Or beginning on the date that payment of a salary to the deceased staff member ceased.



## TITLE III

## PROVISIONS APPLICABLE TO TEMPORARY STAFF

## Article 37

**Statutory provisions**

*Temporary staff are auxiliary personnel recruited in principle for short periods. They do not have the status of international staff, and are entirely subject to the laws and regulations of the host State and the State of which they are nationals.*

1. Temporary staff are employees who do not occupy budgeted posts defined in the Institute's establishment table.
2. These employees shall be subject to the provisions of Title I and the following provisions of Title II:
  - Chapter I: Article 3(2) (assistance and compensation), (4) (external activities) and (5) (candidacy for public or political office)
  - Chapter II: Articles 5 (age limit for employment) and 6 (medical examinations)
  - Chapter III: Article 15 (salary advances)
  - Chapter IV: Articles 17 (removal expenses) and 18 (travel on duty)
  - Chapter V: Articles 19 (hours of work) and 20 (public holidays)
  - Chapter VII: Article 27 (compensation for damage)
  - Chapter VIII: (appeals) — subject to Article 40(3).

## Article 38

**Contracts**

Temporary staff shall be engaged for a period of 1 to 6 months. Contracts shall be renewable under the same conditions. The Institute and the temporary staff member may terminate contracts by giving 10 clear days' notice.

## Article 39

**Remuneration**

1. The remuneration of temporary staff shall be fixed contractually; it shall be made up of a net monthly salary excluding any additional allowances, whatever the family or social situation of the person concerned.
2. From that fixed amount there shall be deducted the employee's social-welfare contributions either to private insurance providing full reimbursement or, if the employee is already a member of a sickness insurance scheme, to supplementary insurance.
3. As temporary staff do not benefit from the pension scheme, no deduction shall be made in respect of it.
4. At the beginning of the year the remuneration of temporary staff shall be increased by the same percentage as that granted to staff members by the Board.

## Article 40

**Special provisions**1. Installation and departure expenses

Temporary staff may not claim reimbursement of installation or departure expenses for their families.

2. Leave

Temporary staff shall be entitled to one and a half days' leave per month served.

3. Disputes

Internal disputes concerning the rights and remuneration of temporary staff shall be dealt with under the appeals procedures described in Articles 30 and 31 of these Regulations.

All other disputes shall come within the jurisdiction of the ordinary courts of the host State.

## TITLE IV

**PROVISIONS APPLICABLE TO EXPERTS, RESEARCH AWARD HOLDERS AND TRAINEES***Article 41***Statutory and financial provisions**

1. Experts, research award holders and trainees shall have the status of visitors to the Institute. They shall be subject to the provisions of Title I of these Regulations, with which they shall acquaint themselves on appointment.
  2. Their overall remuneration shall be fixed from the beginning of their activities at the Institute; it shall be paid in successive portions, as defined by the Director, in accordance with the results of the work for which they have been engaged or accepted.
  3. Appointed experts and research award holders shall be entitled to the reimbursement of travel expenses for themselves only, when they arrive at the Institute and when they leave it. Exceptionally, and as decided by the Director, this reimbursement may be paid to a trainee.
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## ANNEX I

**INDEMNITY FOR LOSS OF JOB**

- References:*
- (a) Article 7 of these Staff Regulations.
  - (b) Annex V to the 78th Report of the Coordinating Committee of Government Budget Experts, August 1972.

**1. Circumstances in which the indemnity is awarded**

An indemnity for loss of job <sup>(1)</sup> may be awarded to a staff member whose contract is terminated for one of the following reasons:

- (a) suppression of the budgeted post;
- (b) changes in the nature or level of the job such that the staff member no longer possesses the required qualifications;
- (c) the withdrawal from the Board of the Member State of which the staff member is a national;
- (d) the transfer of the headquarters of the Institute by a distance of over 100 km or 60 miles from the location where the staff member was engaged and the refusal of the staff member to be transferred since such an eventuality was not foreseen in his contract;
- (e) the withdrawal of security clearance <sup>(2)</sup> from the staff member for reasons other than disciplinary ones.

The indemnity shall not be due if:

- (f) the staff member has obtained another post at the same grade at the Institute;
- (g) the staff member has obtained a new appointment in another international organisation in the same locality;
- (h) the staff member, as a public employee of a Member State, has obtained re-integration and remuneration in his national administration within 30 days following the termination of his contract by the Institute;
- (i) the staff member's contract has been terminated as a result of a disciplinary procedure.

**2. Payment of the indemnity to staff members having served less than 10 years at the Institute <sup>(3)</sup>**

Provided that their current contract has not come to an end, such staff members shall be entitled to an indemnity amounting to 50 % of their net monthly remuneration multiplied by the number of months <sup>(4)</sup> remaining up to the expiry of the term of their contract, up to a maximum of 5 months' remuneration. Net remuneration shall be taken to mean basic salary plus all additional allowances and indemnities paid monthly.

**3. Payment of the indemnity to staff members having served more than 10 years at the Institute <sup>(3)</sup>**

Such staff members shall be entitled to an indemnity equal to 100 % of their net monthly remuneration per year of service at the Institute <sup>(3)</sup>, up to a maximum of 24 months. The amount of the indemnity shall not represent a number of months <sup>(4)</sup> which exceeds the period that the staff member would have to serve before reaching the age limit specified in Article 5 of these Staff Regulations.

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<sup>(1)</sup> As distinct from leaving allowance, which represents merely the settlement of pension rights.

<sup>(2)</sup> Only in cases where the post occupied requires such clearance.

<sup>(3)</sup> Or 10 years' accumulated uninterrupted service at the Institute and another international organisation.

<sup>(4)</sup> Or fractions of months, expressed in thirtieths.

## ANNEX II

**EXPATRIATION ALLOWANCE**

1. Staff members so entitled under Article 10 of the Staff Regulations shall receive a monthly expatriation allowance. The amount of the allowance shall be:
  - (a) for staff members entitled to household allowance:
    - 18 % of the reference salary during the first ten years' service;
    - 17 % of the reference salary during the eleventh year of service;
    - 16 % of the reference salary during the twelfth year of service;
    - 15 % of the reference salary as from the fourteenth year of service;
  - (b) for staff members not entitled to household allowance:
    - 14 % of the reference salary during the first ten years' service;
    - 13 % of the reference salary during the eleventh year of service;
    - 12 % of the reference salary during the twelfth year of service;
    - 11 % of the reference salary as from the fourteenth year of service.
2. The reference salary shall be the net basic salary payable at step 1 of staff members' grades.
3. Expatriation allowance shall not be lower than the basic salary payable at grade B3 step 1.

## ANNEX III

**CHILDREN AND OTHER DEPENDANTS****1. Dependent children**

- (a) A legitimate, legally recognised natural or adopted child deemed to be a dependant of a staff member is a child whose continuous maintenance and education are ensured by that staff member, and who lives continuously with the family, in the locality where the staff member is in post or in the locality where the other parent lives.
- (b) The staff member concerned must submit to the administrative section copies of documents legally certifying that the child is dependent on him for material support.
- (c) A child shall not be considered a dependant of the staff member:
  - when it attains the age of 26;
  - when, before reaching that age, it is in receipt of a salary, income or fees in its own right;
  - where the staff member or spouse caring for the child receives, under his or her national laws or regulations, or those of the host country, an allowance of the same nature.
- (d) The administrative section shall be entitled to demand that official or notarial documents that it deems necessary to establish a right to the corresponding allowances be produced.

**2. Other dependants**

- (a) A person other than a dependent child as defined in paragraph 1 may be considered a staff member's dependant on the following conditions:
  - he is a parent or other close relative by blood or marriage;
  - he lives continuously with the staff member or his spouse, or is regularly admitted to an institution giving specialist medical care;
  - the person concerned does not have adequate resources of his own to support himself.
- (b) The staff member concerned must provide the administrative section with valid evidence that the person is dependent on him for material support.
- (c) The administrative section shall be entitled to demand that official or notarial documents that it deems necessary to establish a right to the associated allowances be produced.

## ANNEX IV

**HANDICAPPED DEPENDANTS**

1. A dependant is deemed to be handicapped if it is established by medical evidence that he is suffering from a serious and permanent disability necessitating either special care or supervision not provided free of charge, or special education or training.
2. The decision to pay the allowance shall be made by the Director after consulting a board which he shall constitute for the purpose, and which shall include at least one medical practitioner. The Director's decision shall specify the period for which the allowance is to be paid, subject to review.
3. The criterion for entitlement to the provisions of these Regulations shall be the serious and continuing impairment of physical or mental activities.  
Dependent persons may thus be deemed to be handicapped where they suffer from:
  - serious or chronic affection of the central or autonomic nervous system, however caused, such as diseases of the brain, myopathy and autonomic paralysis;
  - serious affection of the locomotor system;
  - serious affection of one or more sensory systems;
  - chronic and disabling mental illness.The above list shall not be deemed to be exhaustive. It is given by way of indication only, and shall not be taken as a basis for assessing the degree of disability or incapacity.
4. The amount of the allowance shall be equal to the amount of the allowance for a dependent child, and shall be additional thereto.
5. In the event that the staff member concerned or his household is entitled to a similar allowance under a national or international scheme, the amount of the allowance payable by the Institute shall be the amount by which the rate payable under these Regulations exceeds the amount payable under the national or international scheme.

## ANNEX V

**RENT ALLOWANCE**

1. The amount of the allowance shall be a proportion of the difference between the actual rent paid, excluding all charges mentioned in Article 11(5)(a), and a sum calculated as follows:
  - (a) 15 % of net basic salary for staff members of grades C and B, up to and including B.4;
  - (b) 20 % of net basic salary for staff members of grades B.5 and B.6;
  - (c) 22 % of net basic salary for staff members of grades A.1 and L.1.
2. The said proportion shall be:
  - (a) 50 % for single staff members and married staff members with no dependants;
  - (b) 55 % for staff members with one dependant;
  - (c) 60 % for staff members with two or more dependants.
3. The allowance shall not exceed:
  - (a) 10 % of net basic salary of the staff member concerned in the case of grades C to B.4 inclusive;
  - (b) 15 % of net basic salary in the case of grades B.5 and B.6, and A.1 and L.1.

*Net basic salary shall be deemed to mean the actual basic salary as given in the annual scales agreed by the Board, but excluding any other additions to or deductions from remuneration.*

## ANNEX VI

## TRAVEL COSTS AND REMOVAL EXPENSES

SECTION I — **Travel costs of staff members and their families between their place of residence and duty station**

1. Staff members whose place of residence is more than 100 km or 60 miles from their duty station shall be entitled, subject to Article 22 of these Regulations, to reimbursement of the actual costs of travel:
  - (a) on taking up their appointment, for travel from their place of residence to their duty station;
  - (b) on transfer from the duty station where they were recruited to another duty station more than 100 km or 60 miles away;
  - (c) on leaving their appointment:
    - either for travel from their duty station to their place of residence at the time they were recruited;
    - or, for travel from their duty station to a place of residence other than that mentioned above, provided that the expenditure to be reimbursed is not greater.
2. Reimbursement of the travel costs mentioned in paragraph 1 shall be totally or partially refused in the following cases:
  - (a) where entitlement has not been established at the time a staff member takes up his appointment;
  - (b) if all or part of the expenditure in question has been paid by a government or other body;
  - (c) where a staff member leaves his appointment, if the journey does not take place within a period of three months starting from the date the staff member's duties cease, or if the application for reimbursement has not been received by the administrative section within 30 days of the journey;
  - (d) when the staff member's duties cease, if the person concerned has resigned before completing twelve months' service at the Institute.
3. Staff members who satisfy the conditions listed in paragraphs 1 and 2, and who receive household allowance, shall also be entitled to:
  - (a) reimbursement of travel costs actually incurred by their spouse and dependent children when they join the staff member at his duty station;
  - (b) reimbursement of travel costs actually incurred by their spouse and dependent children when they move from one duty station to another duty station situated over 100 km or 60 miles away, if the duration of the transfer is unspecified but exceeds two months;
  - (c) reimbursement of travel costs actually incurred by their spouse and dependent children when their duties cease, except that the reimbursement may be refused if the staff member resigns before having completed twelve months' service at the Institute.
4. Spouses and dependent children <sup>(1)</sup> shall be deemed to be of the same grade as the staff member concerned.

SECTION II — **Removal expenses**

1. Staff members whose place of residence is more than 100 km or 60 miles from their duty station shall be entitled to the reimbursement of expenses actually incurred for the removal of their household effects on the following occasions:
  - (a) on taking up their appointment;
  - (b) on transfer of indefinite duration exceeding two months from one duty station to another duty station that is more than 100 km or 60 miles away;
  - (c) when leaving the Institute, except that the reimbursement may be refused if the staff member resigns before having completed twelve months' service at the Institute.
2. Reimbursement of expenses incurred for removal of household effects, including packing <sup>(2)</sup>, shall be made up to the following limits:
  - (a) For staff members entitled to household allowance:

Hors grade	7 000 kg	or 46 m <sup>3</sup>
A and L	6 000 kg	or 40 m <sup>3</sup>
B and C	3 000 kg	or 20 m <sup>3</sup>

Plus 750 kg or 5m<sup>3</sup> per child residing with the staff member.

<sup>(1)</sup> Or dependants as defined in Annexes III and IV.

<sup>(2)</sup> Reimbursement does not extend to the costs of insuring household effects.

(b) For staff members not entitled to household allowance:

Hors grade	5 000 kg	or 33 m <sup>3</sup>
A and L	4 000 kg	or 27 m <sup>3</sup>
B and C	2 000 kg	or 13 m <sup>3</sup>

To claim expenses under the provisions of this Section, staff members must submit to the Head of Administration and Personnel, for prior approval, at least two estimates of removal expenses, from different companies, together with an inventory of their household effects <sup>(1)</sup>. Reimbursement shall be made only within the limits of the entitlement and on the basis of the lower estimate.

3. Staff members may only claim reimbursement under this Section if the expenditure in question is not reimbursable by a government or other authority.

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<sup>(1)</sup> The two estimates must refer to the same weight (or volume), transported over the same distance.

## ANNEX VII

## OFFICIAL DUTY EXPENSES

*Staff members travelling on official Institute duty shall be entitled to reimbursement of all of their travel costs and to a daily allowance to cover subsistence when away from their place of duty in accordance with Article 18 of these Regulations.*

## SECTION I — Means of transport

Travel by staff members on duty shall be performed by the most economic means available, subject to the derogations provided for in this Section <sup>(1)</sup>.

Air and rail travel are considered to be the normal means of transport. The Director may, however, authorise staff members on official duty to use a private or official car, in particular when a doctor certifies that they cannot travel by air for medical reasons, and travel by rail is either not possible, too long or too expensive.

If a staff member travelling on official duty chooses, and is authorised, to travel by means other than the most economic available, the following rules shall apply:

- he shall be entitled only to reimbursement of the cost of the journey by the most economic means of transport;
- he shall be entitled to subsistence allowance only for the length of time he would have taken had his journey been made by the most economic means available;
- working time taken by him in consequence of such travel in excess of the time which would have been taken had he travelled by the most economic means available will count against his annual leave entitlement.

## 1. Air travel

Except where authorised by the Director, all travel shall be in 'economy' class or the equivalent.

## 2. Rail travel

- (a) Grades A and L shall be entitled to first-class travel;
- (b) grades B and C shall be entitled to second-class travel;
- (c) for journeys by rail involving night travel of a minimum duration of six hours, staff members shall be entitled to reimbursement of the costs of sleeping berths, but not of sleeping compartments; if the latter are used, staff members shall be entitled to reimbursement of the costs of 1st or 2nd class sleeping berths, depending on their grade;
- (d) the Director may authorise staff members of lower grades to travel with staff members of higher grades where this facilitates the transaction of official business; in such cases reimbursement shall be at the higher rate.

## 3. Road journeys — use of private cars

- (a) Staff members may be authorised to travel by private car in the interests of the Institute. In such cases, they shall be entitled to an allowance per kilometre calculated on the basis of the quickest usual route. The allowance shall be calculated on the basis of the rate applying in the country where the Institute is located, irrespective of the country or countries where the travel takes place. The rates in use shall be promulgated in an administrative memorandum <sup>(2)</sup>;
- (b) If the staff member concerned has been authorised to carry other members of the Institute, he shall be paid an additional allowance per kilometre equal to 10 % of the rate of the kilometric allowance for each passenger <sup>(3)</sup>; if the route followed involves special charges (such as tolls, or transport of the car by ship or car ferry), such charges shall be reimbursed on production of supporting vouchers, except for any costs of air travel;
- (c) Staff members using their own cars must show beforehand that they hold an insurance policy covering third party risks and risks to passengers in particular;
- (d) In the event of an accident, the Institute will not refund the cost of any damage to property.

<sup>(1)</sup> These provisions may be extended to temporary staff, as decided by the Director.

<sup>(2)</sup> The total sum paid may not exceed the amount that the Institute would otherwise have had to disburse.

<sup>(3)</sup> In such cases, 'passengers' shall not be entitled to any reimbursement of travel costs.



**SECTION II — Subsistence allowance for staff members travelling on official duty**

1. Staff members travelling on official duty shall be entitled to subsistence allowance at the rates decided each year by the Board. The rates of allowances for missions in member countries of the Coordinated Organisations are expressed in local currency.

However, the Director may authorise:

- (a) special rates for countries where the cost of living is higher or lower than the normal rates;
  - (b) the payment of subsistence allowance at a higher rate than that to which staff members would normally be entitled if this will facilitate the transaction of official business;
  - (c) the payment of an allowance if sick leave has to be granted during the mission, except where the mission is being carried out in the place where the staff member lives.
2. Subsistence allowance shall be calculated as follows:
- (a) staff members shall be entitled to one day's subsistence allowance for each complete 24-hour period of duty <sup>(1)</sup>;
  - (b) no subsistence allowance shall be payable for periods of less than 4 hours;
  - (c) where the period of duty is 4 hours or more but less than 8 hours, the staff member shall be entitled to one-quarter of the daily allowance. He shall likewise be entitled to one-quarter of the daily allowance in respect of any period of 4 hours or more but less than 8 hours in excess of any complete period of 24 hours;
  - (d) where the period of duty is 8 hours or more without hotel accommodation, the staff member shall be entitled to one-half of the daily allowance. He shall likewise be entitled to one-half of the daily allowance in respect of any period of 8 hours or more but less than 24 hours in excess of any complete period of 24 hours;
  - (e) where the mission necessarily involves hotel accommodation, the staff member concerned may be paid the full daily allowance;
  - (f) a notional period shall be added to the actual journey time for the purpose of calculating subsistence allowance to allow for travelling time to the main station or airport. This period will be as follows:
    - 2 hours for train journeys;
    - 3 hours for air travel.

3. Reduced subsistence allowance

The allowance shall be reduced:

- (a) when the journey involves meals or overnight accommodation: by 15 % for each main meal and by 50 % for overnight accommodation provided in the fare;
- (b) by three-tenths if a staff member travels by night ferry, sleeping berth or compartment, by rail or by air, for the period covered by the travel;
- (c) by three-tenths if a staff member travels on official duty to the town of his official home when his family is still in residence there;
- (d) by three-quarters when accommodation is provided by an external body.

4. Additions to subsistence allowance

The allowance shall be deemed to cover all the expenses liable to be incurred by a staff member travelling on duty, except the expenses listed below, for which additional reimbursement may be claimed:

- (a) visa fees and similar charges arising directly from travel on official duty;
- (b) excess luggage charges authorised expressly by the Director;
- (c) postal, telegraphic and long-distance telephone charges incurred for official purposes;
- (d) hospitality expenses incurred by staff members in conformity with conditions laid down by the Director;
- (e) taxi fares, provided the Director has given his prior approval and evidence of the expenditure is produced.

If in certain circumstances the expenditure on accommodation exceeds 60 % of the daily subsistence allowance, the Institute may reimburse the excess amount partially or totally on presentation of vouchers and sufficient proof that the additional expenditure was unavoidable. This reimbursement may not exceed 30 % of the daily subsistence allowance.

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<sup>(1)</sup> These periods are to be counted as from the date and time of departure from the Institute or the staff member's home up to the date and time of return to the Institute or home. If the staff member is on leave before the beginning of the mission, the date and time to be taken are those when the mission began, and if the staff member is on leave immediately after the end of the mission, the date and time to be used are those when the mission ended.

## ANNEX VIII

**SICK LEAVE, MATERNITY LEAVE AND OTHER SPECIAL LEAVE****1. Absence for health reasons and sick leave**

- (a) Staff members absent owing to sickness or accident for more than three consecutive days shall be required to produce a medical certificate within three days of ceasing work.
- (b) Absences occasioned by sickness or accident that last no more than three days and for which no medical certificate is provided may, if they exceed nine working days in any one calendar year, entail a corresponding reduction in the annual leave due to the staff member concerned or a corresponding reduction in his emoluments if he has already taken his annual leave in full.
- (c) Staff members absent owing to sickness or accident are entitled, on production of a medical certificate, to sick leave with full pay and allowances for a maximum period of thirteen consecutive weeks. They shall reimburse to the Institute that part of the sickness benefit to which they are entitled, for the same period, under the social security legislation in force in the host State.
- (d) Continuous absence owing to sickness or accident exceeding thirteen consecutive weeks may be regarded by the Director as grounds for termination of contract.
- (e) Frequent recurrence of short periods of illness may be regarded by the Director as grounds for termination of contract.
- (f) The Director of the Institute may at any time require the staff member concerned to undergo a medical examination.

**2. Infectious diseases, vaccination and accidents**

- (a) Any staff member contracting an infectious disease must absent himself from duty and report the circumstances immediately to the Head of Administration and Personnel. If an infectious disease is reported among the family or intimate friends of a staff member, the latter must immediately inform the Head of Administration and Personnel and conform to such health precautions as may be prescribed by that officer. All staff members who have been in contact with a person who has contracted an infectious disease and are as a result obliged to absent themselves from duty shall be entitled to all of their emoluments; such absence shall not be deducted from either their sick leave or their annual leave entitlements.
- (b) Staff members shall submit to any preventive vaccinations or inoculations that may be required.
- (c) All accidents to staff members, whether incurred at work or outside the Institute, however trifling they may appear at the time, must be reported immediately by the staff member to the Head of Administration and Personnel, together with the names and addresses of any witnesses.

**3. Special leave and maternity leave**

- (a) Special leave with full or part pay, not exceeding ten working days per year, or without pay, may be granted by the Director for exceptional or urgent private reasons.
- (b) Special leave of five working days with full pay shall be granted on the occasion of the marriage of a staff member. Staff members shall be granted identical leave on the death of a spouse, of a direct descendant or of a direct ascendant.
- (c) Maternity leave on full pay, and not to be charged against sick or annual leave, shall be granted to staff members on production of an appropriate medical certificate. Maternity leave shall be for sixteen weeks, beginning six weeks before the expected date of birth. If the birth occurs after the expected date, the leave shall be extended until the expiry of ten weeks following the birth.

The staff members concerned must repay to the Institute that part of the maternity allowance to which they are entitled for the same period under the French social security system.

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## ANNEX IX

**COMPOSITION AND PROCEDURES OF DISCIPLINARY BOARDS****1. Composition of the Disciplinary Board**

The Disciplinary Board shall consist of:

- (a) a grade A or L staff member nominated by the Director, other than the Head of Administration and Personnel or the person to whom the staff member concerned is responsible, as chairman;
- (b) a staff member nominated by the Director;
- (c) a staff member of the same grade as the staff member concerned and nominated by him;
- (d) the Head of Administration and Personnel, acting as legal adviser, without the right to vote.

**2. Procedure**

- (a) The Disciplinary Board shall take note of all the documents relevant to the consideration of the case. It shall, if he so requests, hear the interested party. The interested party may have the assistance of, or be represented by, a staff member. The Disciplinary Board shall also hear any person it deems advisable to summon.
  - (b) The Disciplinary Board shall act in private. Its members shall not divulge any information which may have come to their knowledge during the proceedings, or any particulars of the proceedings.
  - (c) The Disciplinary Board shall give its reasoned opinion to the Director. That opinion shall include a recommendation as to whether a sanction is appropriate, and if so the severity of that sanction.
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## ANNEX X

**APPEALS BOARD****A. Jurisdiction**

The Appeals Board will have authority to settle disputes arising out of violations of these Regulations or of the contracts provided for in Article 7. To that end it shall have jurisdiction with regard to appeals brought by serving or former staff members, or by their heirs and assigns, against a decision of the Director.

**B. Composition and status**

- (a) The Appeals Board shall be composed of a chairman and two members. They may be replaced by deputies. The chairman or one of the members and one of their deputies must have legal qualifications.
- (b) The chairman, his deputy, the members and their deputies shall be appointed by the Board of the Institute for a period of two years, from outside the staff of the Institute. If any of them is at any time unable to serve, a new appointment shall be made for the unexpired term.
- (c) No meeting of the Appeals Board is in order unless the chairman, or his deputy, and two members, or their deputies, are present.
- (d) The members of the Board shall be fully independent in the exercise of their duties.
- (e) The emoluments of the chairman, members and deputies shall be fixed by the Board of the Institute.
- (f) The Appeals Board shall establish its own rules subject to the provisions of this Annex.

**C. Secretariat**

- (a) The Secretary of the Board shall be appointed by the Director and shall be a member of the staff of the Institute.
- (b) In the exercise of his duties, the Secretary of the Board shall act as a registrar and shall be subject only to the authority of the Board.

**D. Appeals**

- (a) Appeals submitted to the Board shall only be admissible if the appellant has previously failed to obtain satisfaction through an internal administrative appeal to the Director.
- (b) The appellant shall have a period of twenty days from notification of the decision complained of or the date of rejection of the mediator's findings in which to submit a written request that such decision be withdrawn or modified by the Appeals Board. That request shall be addressed to the Institute's Head of Administration and Personnel, who shall acknowledge receipt of it and initiate the procedure for convening the Board.
- (c) Appeals must be lodged with the Secretariat of the Appeals Board within two months of the date of notification of the decision complained of. Nevertheless, in exceptional cases, in particular where pensions are concerned, the Appeals Board may admit appeals lodged within one year of the date of notification of the decision complained of.
- (d) Appeals must be in writing; they must state all grounds of appeal put forward by the appellant and supporting documentary evidence must be produced at the same time.
- (e) Appeals shall not stay the execution of the decisions complained of.

**E. Preliminary procedure**

- (a) Appeals shall be transmitted immediately to the Director, who must make his comments thereon in writing. A copy of these comments shall, within one month from the date of lodging the appeal, be communicated to the Secretary of the Board, and to the appellant, who within twenty days may make a reply in writing, a copy of which shall be communicated immediately to the Director by the Secretary of the Board.
- (b) Appeals, together with the memorandums and the documentary evidence in support, the comments of the Director and the appellant's reply, if any, shall be communicated to the members of the Board by its Secretariat within three months of the lodging of the appeal and at least fifteen days before the date of the meeting at which they are to be considered.

**F. Convening of the Board**

The Appeals Board shall be convened by its chairman. It shall in principle consider appeals submitted to it within four months of the date on which they were lodged.

**G. Meetings of the Board**

- (a) The meetings of the Appeals Board shall be held in private [unless the Board decides otherwise]. The Board shall deliberate in secret.
- (b) The Director or his representative, together with the appellant, shall attend the proceedings and may make oral statements in support of the grounds adduced in their memorandums.
- (c) The Board may require the production of any document that it deems useful for the consideration of the appeal before it. Documents so produced must also be communicated to the Director and the appellant.
- (d) The Board shall hear the parties and such witnesses as it deems may usefully depose in the proceedings. Any staff member called as a witness must appear before the Board and may not refuse to give the required information.
- (e) Persons attending a meeting of the Board shall in no case divulge any facts coming to their notice or any opinions expressed during the proceedings.

**H. Decisions of the Board**

- (a) In exceptional circumstances, the Board may make an interim order staying the execution of the measure complained of, pending a final decision in accordance with the following paragraphs.
  - (b) Decisions shall be taken by majority vote. They must be rendered in writing and must state the grounds on which they are based. There shall be no appeal from them, and they shall be enforceable for both parties within one clear day of their notification.
  - (c) The Board may, however, be requested to rectify a clerical or accidental mistake in a decision rendered. Requests for rectification must be submitted within six months of the date when the mistake was noted.
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TRANSLATION

**STAFF REGULATIONS OF THE EUROPEAN UNION SATELLITE  
CENTRE <sup>(1)</sup>**

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<sup>(1)</sup> Adopted by the Council by the written procedure on 21 December 2001, pursuant to Article 9(3) of Council Joint Action No 555/CFSP of 20 July 2001 (OJ L 200, 25.7.2001, p. 5).

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## PRELIMINARY REMARKS

*The Staff Regulations of the European Union Satellite Centre have been drawn up in parallel with those of the Institute for Security Studies, which explains the considerable similarities between the two texts. However, it must be stressed that there are differences, owing to certain specific features of the Centre.*

*The Centre is an operational body, which explains for instance why staff members must, in exceptional cases assume responsibility at a higher level than that warranted by their posts or why they have to work outside 'normal' working hours.*

*The particular location of the Centre, in a military airbase in the host country, is the second factor which justifies certain differences, particularly as regards security and transport.*

## PREAMBLE

The Satellite Centre is an agency of the European Union, affiliated to the Coordinated Organisations.

*Article 1*

These Regulations define the status, rights, duties and responsibilities of the members of the staff of the European Union Satellite Centre, hereinafter referred to as 'the Centre'.

The staff of the Centre comprises natural persons who hold contracts as staff members or temporary staff. Paid experts and trainees are subject to specific provisions listed in Title IV.

The Director of the Centre is authorised to make such amendments to these Regulations as prove necessary, with the assent of the Board.

These Regulations shall apply to all staff members except where the Board has taken decisions to the contrary in respect of *hors grade* personnel.

## TITLE I

## GENERAL PROVISIONS

*Article 2***Provisions applicable to all staff members**1. Authority

Staff members shall be subject to the authority of the Director and responsible to him for the performance of their duties, which they shall undertake to carry out as scrupulously and conscientiously as possible.

2. Declaration

On accepting engagement with the European Union Satellite Centre each staff member shall subscribe to the following declaration:

'I solemnly undertake to exercise in all loyalty, discretion and conscience the functions entrusted to me as member of the staff of the European Union Satellite Centre, and to discharge these functions with the interests of the Centre only in view. I further undertake not to seek or accept instructions in regard to the performance of my duties from any government or from any authority other than the Centre.'

3. Conduct

Staff members shall conduct themselves at all times in a manner compatible with their status as representatives of the European Union Satellite Centre. They shall abstain from any

action or activity that may in any way undermine the dignity of their position or the good name of the Centre.

4. Financial responsibility

Staff members may be required to reimburse the Centre, either partly or in full, any financial loss suffered by it owing to their negligence, or because they have deliberately violated any regulation or procedure approved by the Board or the Director.

5. Security

Staff members shall, on engagement, acquaint themselves with the Centre's security regulations. They shall sign a declaration whereby they acknowledge their disciplinary and financial responsibility in the event of non-compliance with those regulations.

- (a) All staff members, including seconded experts and seconded experts from third-States, may be required to have security clearance giving them access to classified documents in the course of their duties. A request for such clearance will be addressed to the competent authorities by the Centre's Security Officer. Pending official clearance, temporary clearance may be granted by the Director.
- (b) Staff members shall inform the Security Officer immediately in the event of the suspected loss or compromise of a classified document.

## TITLE II

## STATUS OF STAFF MEMBERS

## CHAPTER I

## GENERAL PROVISIONS

## Article 3

**General provisions applicable to staff members**

*Staff members of the Centre are natural persons holding contracts as defined in Chapter II, and occupying budget posts listed in the table of staff annexed each year to the Centre's budget.*

1. Privileges and immunities

The privileges and immunities conferred on staff members are accorded in the interests of the European Union Satellite Centre and not for their personal convenience. They must not be used to avoid private obligations, or as an excuse for failure to observe the laws or police regulations of the host State.

In any incident where these privileges and immunities are involved, the staff member concerned shall immediately report the incident to the Director. In the event of infringement of local legislation, the Director may decide to waive the privileges or immunities if he deems this necessary.

2. Assistance and compensation

The Centre shall provide assistance to staff members who, by reason of their current appointment or duties at the Centre, and through no fault of their own, are subject to threats, insults, defamation or attack. Compensation for any material damage sustained may be granted provided that:

- the staff members have not wilfully or through negligence provoked the damage in question;
- no redress has been obtained;
- staff members make over to the Centre any claims they may have against a third party, in particular insurance companies.

All decisions in this matter that could involve action or payments by the Centre shall be taken by the Director, who has a discretionary power in assessing the circumstances of the case, what form the assistance should take and what compensation, if any, should be granted.

3. Proprietary rights

All rights, including title, copyright and patent rights, in any work carried out by a staff member in the performance of his official duties, shall be vested in the Centre.

4. External activities

Vis-à-vis outside organisations and persons, staff members shall obtain the prior approval of the Director if they wish to:

- make any public statement, in particular to any public information body, concerning the Centre's activities,
- give lectures or engage in teaching activities directly connected with their work at the Centre,
- accept fees or remuneration for the aforesaid activities,
- accept decorations or honours, or any material advantages associated with these.

5. Candidacy for public or political office

- (a) Staff members who for personal reasons wish to stand for public or political office shall notify the Director of this intention.
- (b) Any staff member who stands for public or political office shall be given unpaid leave starting on the date he declares that he is beginning his electoral campaign.
- (c) If elected, the staff member shall request termination of his contract. Such termination shall not carry any entitlement to loss-of-job indemnity.
- (d) If he does not accept the public or political office, the staff member shall be entitled to resume his appointment with the same salary and seniority from which he benefited at the time his unpaid leave began.
- (e) Time spent on unpaid leave shall not count towards seniority or pension rights. During his leave the staff member may be replaced by temporary staff.

## CHAPTER II

## RECRUITMENT AND CONTRACTS

## Article 4

**Recruitment**

1. Offers of employment shall be made by the Director, except in respect of the post of Director. The Centre shall be responsible for publishing vacant posts.
2. Candidates under 18 or over 60 years of age will not normally be considered for engagement.
3. Candidates closely related by blood or marriage to a staff member will not normally be selected for engagement. Exceptions may be authorised by the Director, provided that neither of the persons concerned serves in a capacity subordinate to the other.

4. Recruitment of staff members shall be limited to nationals of the Member States of the European Union.

5. Staff members shall be engaged at the lowest step of the grade of the post for which they are selected. However, the Director may grant a higher step where this is justified.

6. The Director shall determine which posts are to be filled by examination or competition, and shall lay down the tests for engagement which candidates for such posts will be required to pass. Examining or selection boards shall be chosen by the Director from among the staff of the Centre, to which he may add an external examiner.

7. The travel and accommodation costs of candidates invited to the Centre for interview or examination shall be met on the same conditions as those applying to staff members travelling on duty<sup>(1)</sup>.

#### Article 5

### Age limit for employment

The age limit for employment is set at the end of the month in which the staff member reaches the age of 65. The Director may authorise extensions up to a maximum of 12 extra months.

#### Article 6

### Medical examinations

1. Engagement of staff members shall be subject to a statement from a doctor approved by the Centre certifying that the candidate is physically fit for employment with the Centre and for the duties of his post, and that he is free from any disability or disease that would represent a risk to other staff members.

2. Staff members shall be required to undergo a medical examination each year.

3. The doctor approved by the Centre shall provide expert advice to the Director on the unsuitability of any staff member to continue to occupy his post.

4. If the results of an annual or other medical examination show that a staff member is no longer able to carry out his duties, his contract shall be terminated within three months and a medical board shall be convened to establish his entitlement to invalidity pension.

#### Article 7

### Contracts and length of contracts

#### 1. Initial contracts

Apart from specific provisions applicable to the Director, initial contracts given by the Centre shall be for three years. These

contracts may be renewed by the Director for the same or shorter periods, with the staff member's agreement.

#### 2. Probationary period

The first six months of initial contracts shall be a probationary period beginning on the date of entry into service.

During that period, contracts may be terminated, without any right to loss-of-job indemnity, with one month's notice given by the Centre or the staff member.

At the end of the probationary period, or earlier, the staff member shall receive notice in writing that his contract is confirmed or terminated.

The probationary period shall form an integral part of the period of the initial contract. It shall count towards seniority and pension rights.

#### 3. Termination of contracts

In the situations provided for in Annex I, contracts may be terminated or not renewed by the Centre or the staff member himself:

(a) *By the Centre,*

(i) with six months' notice:

- as a result of the suppression of the budget post occupied by the staff member,
- through a change in the nature or functions pertaining to the post,
- because of the professional inadequacy of the staff member, duly recorded in two successive annual reports, or
- through physical unfitness of the staff member that has occurred while serving.

(ii) with a maximum of one month's notice, following any disciplinary procedures that have established a misdemeanour or responsibility of the staff member as defined in Chapter VII.

(b) *By the staff member,* with three months' notice for any personal reasons that he is not required to state.

#### 4. Compensation for loss of jobs

Other than for disciplinary reasons, the termination or non-renewal of a contract by the Centre shall entail:

1. for staff members with more than 10 years' service, the settlement of deferred pension rights, accompanied by the payment of a loss-of-job indemnity under the conditions set out in Annex I;
2. for staff members with less than 10 years' service, the payment of a leaving allowance, with loss-of-job indemnity for staff members whose contracts have been prematurely terminated, under the conditions set out in Annex I;

<sup>(1)</sup> See Annex VII.

3. for staff members whose contracts have been terminated for reasons of physical unfitness and whose permanent invalidity has been established by an ad hoc medical board, the granting of invalidity under the conditions laid down in the Pension Scheme Rules.

The termination or non-renewal of a contract by a staff member shall not entitle him to loss-of-job indemnity <sup>(1)</sup>.

5. Reduced notice of termination

If the interests of the service so require, the period of notice stipulated at paragraph 3(a) above may be reduced; in that case the staff member concerned shall be entitled to the payment of an additional sum representing the salary and allowances that he would have received if the actual date of expiry of his contract had coincided with the end of a six-month period of notice.

These provisions shall not apply in the case of termination for disciplinary reasons.

CHAPTER III

**SALARIES AND ALLOWANCES**

*Article 8*

**General provisions**

The remuneration paid to members of the staff of the Centre shall include basic salary, expatriation allowance, and family and social allowances.

Contributions and deductions shall be made from these emoluments in respect of internal tax, the pension scheme and social welfare.

Staff members' current accounts shall be credited with the amount due during the last working week of the month.

Changes in staff members' personal circumstances that may have financial consequences shall be taken into account for the remuneration of the month during which changes are notified to the Centre's administrative section; changes to remuneration already paid may not be made.

All over-payments shall be reimbursed by the staff member to the Centre.

*Article 9*

**Basic salary**

Net basic salary shall be the amount shown for the grade and step of a staff member in the scales approved each year by the Board.

Gross basic salary shall correspond to net basic salary plus the internal tax due from the staff member.

<sup>(1)</sup> For the conditions governing entitlement and calculation of loss of job indemnity, see Annex I.

*Article 10*

**Expatriation allowance**

This allowance shall be paid to staff members in A, L and B grades who, at the time of their first appointment, were not nationals of the State in whose territory their permanent place of duty is situated and who had not been continuously resident in that State's territory for three years.

This allowance shall cease to be payable if a staff member is transferred to the country of which he is a national.

The amount of the allowance shall be calculated in accordance with Annex II.

Where a staff member is appointed by the Centre immediately after having been employed in the country where he performs his duties by another international organisation or administration, years of service with his previous employer shall be taken into account when calculating entitlement to the allowance and the amount.

*Article 11*

**Family and social allowances**

These allowances shall be added to basic salary monthly.

1. Household allowance

This allowance:

- (a) shall be paid to any staff member who is married, widowed, divorced, legally separated or single and has at least one dependant within the meaning of Annex III to these Regulations;
- (b) shall be equal to 6 % of net basic salary;
- (c) in the case of a married staff member who has no dependants but whose spouse is gainfully employed, the allowance payable shall be the difference between the net basic salary for grade B3 step 1 plus the allowance to which the staff member would be entitled in theory, and the earned income of the spouse. If the latter amount is equal to or greater than the former, no allowance shall be payable;
- (d) shall not be paid to a staff member whose spouse is a member of an international organisation and has a higher basic salary than the staff member.

2. Children's and other dependants' allowance

This allowance:

- (a) shall be paid to staff members who mainly and continuously maintain either a legally recognised child or another member of their family by virtue of a legal or judicial obligation, or a child who has lost both parents and for whom they have assumed responsibility;

- (b) shall be a fixed amount for each dependant, set each year in the scales approved by the Board;
- (c) where both spouses work for international organisations, shall be paid to whichever of them is in receipt of household allowance or equivalent.

Definitions and the conditions under which this allowance is granted are set out in Annex III.

### 3. Education allowance

Staff members who are entitled to household allowance, and whose dependant children, as defined in Annex III are in full-time primary, secondary or higher education <sup>(1)</sup>, shall be entitled to an annual education allowance. The allowance shall be equal to twice the amount of the dependant child's allowance, and shall be payable for each child in one sum at the beginning of the school year. The staff member concerned shall provide to the administrative section all supporting evidence of expenditure at the beginning of each school year.

### 4. Handicapped children's and other dependants' allowance

- (a) An allowance for handicapped children or dependants shall be paid to staff members who are primarily and continuously responsible for their care. The child or dependant must fulfil the criteria and conditions set out in Annex III.
- (b) The details of allocation and payment of the allowance are given in Annex IV.

### 5. Rent allowance

- (a) This allowance shall be paid monthly to grade B, C, A1, A2, L1 and L2 staff members who are tenants or sub-tenants of accommodation and who pay a rent — excluding service charges considered to be the liability of the tenant in the country of residence — that exceeds a specified proportion of their emoluments.
- (b) The method of calculating the allowance is set out in Annex V.
- (c) Staff members in receipt of rent allowance shall inform the Head of Administration and Personnel immediately of any change in their circumstances that could affect their eligibility for the allowance.
- (d) The allowance shall not be paid to staff members:
- who receive a similar national benefit from the government of which they are nationals;
  - whose spouse receives a similar allowance from another international organisation.

### 6. Transport allowance

Since the duty station is remote from residential areas and the Satellite Centre is located in a military base which is not served by public transport, staff of the Centre shall receive a flat-rate

<sup>(1)</sup> i.e. excluding nursery school or equivalent.

monthly transport allowance. The amount of the allowance shall be set by the Director at the beginning of each calendar year.

## Article 12

### Extra duties allowance

- (a) An extra duties allowance may be granted by the Director to staff members who are required, in the interests of the service, to assume temporarily part or all of the responsibilities of a staff member of a higher grade. The allowance shall be paid on the basis of the remuneration of two additional steps in the grade of the staff member and shall not take effect until the Director has confirmed the staff member's extra duties and the staff member has completed one month's continuous service in the higher grade post. The allowance shall be due from the actual date on which that service began.
- (b) An allowance for additional responsibility may be attached to certain posts on a case-by-case basis by the Director if the staff member has to assume responsibility for managing a team of staff members of the same grade as his own. The maximum amount of such allowance shall be set by the Director at the beginning of each calendar year.

## Article 13

### Installation allowance

1. An installation allowance shall be paid to staff members whose place of residence was more than 100 kilometres from their duty station at the time they accepted employment with the Centre.
2. The amount of the allowance shall be 30 days' basic salary.
3. Installation allowance shall be paid in advance to the staff member when he assumes his duties at the Centre.
4. Staff members shall be required to reimburse half the installation allowance if they leave their appointment of their own accord before two years have elapsed.
5. The Director may authorise an exception to the provisions governing reimbursement where their strict application might cause special hardship.

## Article 14

### Deductions

#### 1. Internal tax

Internal tax shall amount to 40 % of the basic salary in respect of a given grade and step. This sum shall be added to net basic salary to give gross basic salary. This sum shall be shown as a monthly deduction on pay slips.

## 2. Contributions to pension scheme

A monthly deduction equal to 8,3 % of net basic salary shall be made from staff members' emoluments and paid into the Centre's pensions budget.

## 3. Contributions to supplementary insurance scheme

A monthly deduction in respect of supplementary insurance shall be made from staff members' emoluments. The percentage shall be determined, at the beginning of the year for the following 12 months, by agreement between the Centre and the insurance company operating the scheme. The amount deducted shall be added to the employer's contribution and paid at the end of the year to the company providing this insurance.

### Article 15

#### **Salary advances and reimbursement**

1. Unless decided otherwise by the Director, the Centre's Head of Administration and Personnel may, depending on available cash resources, authorise interest-free advances to members of the staff who can justify this need.
2. The amount of this advance shall not exceed 3 months' net basic salary.
3. Such advances shall be repaid by monthly deductions from staff members' emoluments; repayment must be completed within ten months of the end of the month in which the advance was granted.

### CHAPTER IV

#### **TRAVEL COSTS**

### Article 16

#### **Installation and departure**

1. Staff members shall be entitled to reimbursement of travel costs for the journey from their previous place of duty to the location of the Centre, in respect of themselves and members of their family living with them.
2. The same entitlement shall apply when staff members leave the service of the Centre and return to the country where they were in post before joining the Centre.
3. Reimbursement shall be made in accordance with the provisions of Annex VI, Section I of these Regulations.

### Article 17

#### **Removal expenses**

1. Staff members shall be entitled to reimbursement of the costs of removal from their previous place of duty to the location of the Centre.

The same entitlement shall apply when staff members leave the service of the Centre and return to the country where they were in post before joining the Centre.

2. Reimbursement of costs shall cover removal of staff members' personal household effects, excluding motor cars, boats or other forms of transport, up to the limits, in weight and volume, set out in Annex VI.

Reimbursement shall be made directly by the Centre, on production of the bill by the removal firm.

### Article 18

#### **Travel on duty**

Members of the staff of the Centre shall be entitled to reimbursement of expenses incurred in connection with travel on official duty ordered by the Director <sup>(1)</sup>.

Reimbursement shall concern travel costs proper plus accommodation and associated costs in the places to which staff members are sent. The conditions, rates and other details of reimbursement are set out in Annex VII.

### CHAPTER V

#### **INTERNAL ORGANISATION**

### Article 19

#### **Hours of work**

- (a) The normal working hours for staff members shall be 40 hours per week, to be completed in accordance with a general schedule set by the Director.
- (b) Flexible working hours may be agreed by the Director in accordance with staff members' personal circumstances or the constraints of their particular work.
- (c) Overtime. Overtime worked by staff members outside the normal working hours specified in (a) shall entitle them to time off in lieu or overtime pay. However, only overtime worked with the prior agreement of the relevant head of division/department shall be regarded as overtime. Every effort shall be made to keep overtime to a minimum.

Overtime worked shall entitle the staff concerned:

- (i) to time off in lieu; or
- (ii) where such time off cannot be granted owing to the requirements of the service, to overtime pay calculated at the rate of 133 % of basic salary.

<sup>(1)</sup> Such reimbursement is representative of expenses, and should not be seen as additional remuneration.

## (d) Night work

Hours worked between 20.30 and 7.00 shall be paid at night work rates; however, if such hours are worked without a break following a day's work, they shall not be regarded as night work unless they extend into the above-mentioned period by more than 1½ hours.

Hours of night work not exceeding the number set out in (a) shall give entitlement to additional remuneration at the rate of 50 % of basic salary.

Overtime worked at night shall be paid at the rate of 150 % of overtime worked by day.

- (e) If exceptional circumstances, decided at the discretion of the Director, so require, some staff members may be required to work at a weekend. In such cases, the hours worked shall give an entitlement to equivalent time off, in agreement with the Head of Administration and Personnel.
- (f) Overtime or night work by officials in grades A4, L4 and above shall carry no right to compensation or remuneration.

## Article 20

**Public holidays**

The list of public holidays shall be drawn up by the Director on the basis of the official list of public holidays published in the *Boletín Oficial del Estado* (BOE).

These public holidays shall not be deducted from staff members' annual leave entitlement.

If one of these days falls on a Saturday or Sunday, the Director may designate another day in lieu.

## Article 21

**Leave**1. Annual leave(a) *Entitlement*

Staff members shall be entitled to paid annual leave at the rate of 2,5 working days for each month of service completed. This entitlement shall apply each calendar year.

Staff members recruited between 1 April and 30 July shall be entitled to an advance of 15 days' leave from their annual entitlement if the leave is to be taken after the latter date.

If on 31 December a staff member has, owing to the exigencies of his work, an unexpended period of leave due, the Director or his delegate may authorise the carrying forward of all or part of the unexpended leave to the following year. Any entitlement carried forward but not taken by 31 March shall be cancelled.

(b) *Administrative procedure*

Staff members wishing to take leave within their entitlement as defined in (a), must obtain the prior authorisation of the Director.

A record of leave taken is kept by the Centre's administrative section.

The procedure to be followed shall be set out in an internal memorandum signed by the Director.

(c) *Leave unexpended on departure of staff members*

Leave unexpended at the time staff members depart from the Centre shall be cancelled. However, if the Director certifies in writing that, owing to the exigencies of work, it was impossible for a staff member to take all his leave, the staff member shall be entitled to a payment of one thirtieth of his monthly net basic salary for each day of leave so accumulated.

2. Unpaid leave

If requested by a staff member, the Director may grant additional, unpaid leave up to a limit of 15 consecutive days.

This does not affect either seniority or pension rights.

However, the full deductions in respect of pensions and social welfare will be made as if the staff member had been paid normally for the period of unpaid leave.

3. Sick leave, maternity leave and other special leave

Special leave shall be granted, in addition to annual leave, for illness, maternity or exceptional circumstances.

Details and the procedures to be followed are given in Annex VIII.

## Article 22

**Home leave**

- (a) Staff members who are entitled to expatriation allowance shall be eligible for home leave, except for those staff members who, when appointed, held solely the nationality of the country of employment.

1. Home leave shall amount to eight working days every two years, plus travelling time calculated on the basis of the fastest method of transport.
2. Home leave may be taken six months before the end of the period to which it relates. If it is not taken within six months after the end of the period to which it relates, it shall be cancelled with respect to that two-year period. The date on which home leave is actually taken, for any given two-year period, shall not affect the date on which the next home leave is to be taken.
3. Where a husband and wife are both employed by the Centre and where both are entitled to home leave, it shall be granted in accordance with the following conditions:

- (i) where both have their home in the same country, each shall be entitled to home leave in that country every two years;



- (ii) where their homes are in two different countries, each shall be entitled to home leave in his or her respective country every two years;
- (iii) the couple's dependant children and, if appropriate, the person accompanying those children, shall be entitled to only one period of home leave every two years; where the parents have their homes in two different countries, the home leave may be taken in either of those countries.

## CHAPTER VI

**REPORTS AND PROMOTION***Article 23***General provisions**

- (b) Staff members who take home leave shall be entitled, in accordance with the procedures laid down in Article 18, to payment of the return travel expenses for themselves, their children and, if they receive a household allowance, for their spouses, but not to a daily allowance for the travelling time.
- (c) Staff members who do not take their home leave shall have no entitlement to compensation.
- (d) Home leave shall be granted on the following conditions:
  - (i) the person concerned must undertake in writing to spend the home leave in the country of his official home;
  - (ii) the person concerned must undertake in writing not to resign from the Centre in the six months following the end of the period to which the entitlement to home leave relates (regardless of the date on which that leave is actually taken);
  - (iii) the head of division/department must certify that he will in all probability require the services of the staff member during the period referred to in point (ii).

Failure to comply with point (i) will result in the staff member concerned being obliged to reimburse to the Satellite Centre all the payments received in connection with the home leave and may also result in the staff member's unexpended leave being reduced by the number of days home leave granted. The Director may decide to derogate from the provisions in point (ii) and point (iii) if he considers that their strict application would expose the staff member concerned to an injustice or to particular difficulties.

*Article 22a***Special leave**

- (a) Staff members recalled to serve in the armed forces for a period of training shall be entitled to special paid leave of a maximum of two weeks a year or four weeks every two years. Periods of recall which extend beyond these limits shall be deducted from staff members' annual leave.
- (b) If staff members receive financial compensation from the national authority which recalled them, the amount of such compensation shall be deducted from their salary.

1. The work of all staff members, apart from the Director, shall be evaluated once a year, at the latest by 15 December.

Reports shall comment on the relative proficiency of staff members and shall provide the opportunity to congratulate staff members or, on the contrary, warn them of shortcomings with a view to an improvement in their service.

2. Reports shall concern the following criteria:

- (a) diligence and punctuality,
- (b) quality and speed of execution of work,
- (c) initiative,
- (d) propriety and human relations.

The entire evaluation shall be summarised on an annual report form kept in the staff member's personal file.

*Article 24***Procedure**

1. The Director shall designate the staff members responsible for reporting on personnel wholly or partly subordinate to them.

2. When all reports have been written, the Director shall convene a Promotions Board, chaired by himself, which will include all staff members who have written one or more reports. The Head of Administration and Personnel shall attend all meetings of the Promotions Board, and shall have a right to vote regarding his own subordinates and a consultative role regarding others.

3. On the basis of the advice of the Head of Administration, the Director shall make a definitive evaluation of each staff member and have reports written that shall be signed by all members of the Promotions Board.

4. Each staff member shall be interviewed personally by the Director, or his delegate if necessary, normally during a session of the Promotions Board. He shall be notified of his annual evaluation, and shall sign the report form, thus testifying that he has been informed of it.

5. An annual report is an administrative measure for internal use, against which there can be no appeal to any external body.

## Article 25

**Follow-up action on reports**

1. An exceptionally good report may justify exceptional promotion to a higher step or even grade, provided that the budgeted post allows such promotion, or the award of a financial bonus. The maximum amount of the bonus which may be awarded shall be fixed by the Director at the beginning of each calendar year.
2. Two successive adverse reports shall justify keeping the staff member at his present step for an additional year.
3. Two or more adverse reports may justify non-renewal of contracts.

## CHAPTER VII

**DISCIPLINARY MEASURES**

## Article 26

**Definitions**

1. Any failure by a staff member or former staff member to comply with his obligations under the Staff Regulations, whether intentionally or through negligence on his part, shall make him liable to simple, financial or statutory disciplinary action, notwithstanding the compensation he may be required to make by virtue of Article 2(4) and Article 27 of these Regulations.

(a) Simple disciplinary measures shall include:

- verbal warning;
- written censure.

(b) Financial measures shall include:

- withholding of an annual salary increment.

(c) Statutory measures shall include:

- temporary suspension from duties entailing the withholding of emoluments in whole or in part;
- removal from post, involving termination of contract, possibly accompanied by total or partial forfeiture of loss-of-job indemnity, and possibly accompanied by reduction or temporary suspension of benefits under the pension scheme.

Disciplinary measures shall be decided by the Director; simple disciplinary measures may be decided by the Head of Administration and Personnel, acting on behalf of the Director, except where a meeting of the Disciplinary Board is convened<sup>(1)</sup>.

2. If a charge of serious misconduct is made against a staff member, and the Director considers that the charge is *prima facie* well founded, and that the staff member's continuance in office pending an investigation would prejudice the Centre, the staff member concerned may be immediately suspended from

<sup>(1)</sup> In this case, the disciplinary measure is decided by the Director himself.

his functions pending investigation, with or without pay at the discretion of the Director.

## Article 27

**Compensation for damage**

Staff members may be required to pay compensation, either in part or in full, for any damage sustained by the Centre through their gross negligence or wilful act. Where the staff member has left the Centre, this compensation may be obtained by withholding a percentage of the benefits due under the pension scheme, up to 70 % of the pension.

## Article 28

**Notification of complaints**

When a proposal is made that a disciplinary measure under Article 26 be taken against any staff member, he shall be notified in writing within two clear days after the request for disciplinary action has been lodged with the Director or the Head of Administration and Personnel. Such notification shall be accompanied by the documents relating to the ground of the complaint against him, together with all reports written on him.

## Article 29

**Disciplinary Board**

Within five working days of his being notified as provided by Article 28, the staff member concerned may make a request in writing that his case be examined by a Disciplinary Board, which shall be convened by the Director within five days. The Disciplinary Board shall meet during the week following the date of issue of the convocation.

The composition and procedures of the Disciplinary Board are given in Annex IX.

The opinion of the Disciplinary Board shall not be binding upon the Director.

## CHAPTER VIII

**APPEALS AND APPEALS BOARD**

## Article 30

**Appeals**

Serving or former staff members, or their heirs and assigns, may appeal against decisions made by the Director. Such appeals, or procedures arising from them, shall not stay the execution of the decisions being complained of.

1. Internal administrative appeals

An internal administrative appeal is a procedure whereby a staff member who considers that he has suffered an infringement of his rights as laid down in these Regulations submits a reasoned request to the Director of the Centre to reverse the decision that he considers has infringed those rights.

The Director shall acknowledge this appeal and reply within five clear days of receipt of the request.

In the event of a negative reply, the staff member may request mediation. Such mediation is not obligatory.

## 2. Mediation

The mediator shall be a qualified, independent legal expert appointed by the Director for a renewable period of three years.

He shall be provided by the Director and the staff member concerned with all documents he considers necessary for an examination of the case.

He shall submit his conclusions within 15 days of the date on which he has been apprised of the case.

These conclusions shall not be binding on either the Director or the staff member.

The costs of mediation shall be borne by the Centre if the conclusions are refuted by the Director; 50 % of the costs shall be borne by the staff member if it is he who refuses to accept the findings.

## 3. Contentious appeals

Having exhausted the possibilities of the first resort (an internal administrative appeal), staff members shall be at liberty to seek a settlement before the Centre's Appeals Board.

The composition, operation and specific procedures of that body are given in Annex X.

## 4. Decisions of the Appeals Board

Decisions of the Appeals Board shall be binding on both parties. There shall be no appeal from them.

- (a) The Board may annul, or confirm, the decisions complained of.
- (b) The Board may incidentally order the Centre to compensate any material damage sustained by the staff member starting from the day the annulled decision began to have effect.
- (c) It may further rule that the Centre shall reimburse, within limits to be fixed by the Board, justified expenses incurred by the claimant, as well as expenses relating to transport and subsistence incurred by witnesses who have been heard. These expenses shall be calculated on the basis of Article 18 and Annex VII of these Regulations.

## CHAPTER IX

### PENSION SCHEME

*All of the relevant rules and conditions are contained in the Centre's Pension Scheme Rules, in accordance with the pension scheme of the Coordinated Organisations.*

*The Pension Scheme Rules are an integral part of the Staff Regulations of the Centre. Articles 31 to 36 below are only a summary of the main provisions of the Pension Scheme Rules, the full text of which prevails.*

## Article 31

### Leaving allowance

1. A staff member leaving the Centre before having completed 10 years' service<sup>(1)</sup> shall be entitled to a leaving allowance (as provided for in the Pension Scheme Rules).
2. The allowance shall be made up of two components:
  - an amount equal to one month and a half of his last net basic salary multiplied by the number of years (or part years) of service;
  - the aggregate amount deducted from his monthly salary in respect of pension contributions, together with compound interest at the rate of 4 % per annum.

## Article 32

### Retirement pension

1. Staff members having completed 10 or more years actual service at the Centre<sup>(2)</sup> shall be entitled to a retirement pension. After the ten-year point, staff members shall be entitled to exercise their right to an immediate or deferred pension at any time.
2. The amount of the pension shall be proportional to the number of years' reckonable service. It shall be paid monthly to staff members in the form of an annuity.
3. Barring any exceptional decision taken by the Director, staff members shall automatically receive a pension once they reach the age of 65 if they have served at least 10 years.

## Article 33

### Invalidity pension

1. In accordance with Article 6(4) of these Regulations, a staff member who is recognised to be suffering from permanent invalidity that totally prevents him from performing the duties attached to his employment, shall be entitled to an invalidity pension.
2. The amount of the invalidity pension shall be equal to the retirement pension to which the staff member would have been entitled at the age limit laid down in these Regulations if he had continued to serve until that age and without the need for a minimum of 10 years' service under Article 32(1). It shall be payable to the staff member monthly in the form of an annuity beginning on the 1st of the month following the date on which the invalidity is officially recognised.

<sup>(1)</sup> Years of previous reckonable service in another Coordinated Organisation shall be taken into account when calculating this entitlement, provided that the staff member did not receive this allowance in his previous post.

<sup>(2)</sup> Years of previous reckonable service in another Coordinated Organisation shall be taken into account when calculating this entitlement, provided that the staff member joined the Centre not more than six months after having left his post in the other organisation.

## Article 34

**Survivor's pension**

1. Where a staff member still serving or entitled to an invalidity or immediate or deferred retirement pension dies, the surviving spouse shall be entitled to a survivor's pension.

2. This pension shall be payable monthly to the surviving widow or widower in the form of an annuity beginning on the 1st of the month following the date on which the serving staff member died (<sup>1</sup>).

3. Entitlement to a survivor's pension shall cease at the end of the month during which the survivor's death occurs or during which the latter ceases to satisfy the conditions for entitlement to the pension.

## Article 35

**Orphan's or dependant's pension**

1. Where a staff member still serving or entitled to an invalidity or an immediate or deferred retirement pension dies, his children or other dependants shall be entitled to a pension under the terms laid down in the Pension Scheme Rules.

2. 'Children or other dependants' shall mean persons satisfying the conditions specified in Annex IV to the Staff Regula-

tions. Children born not more than 300 days after the death of the staff member shall also be entitled to the pension.

3. Entitlement to the pension shall cease at the end of the month during which the child or other dependant ceases to satisfy the conditions for entitlement to the allowance for a child or dependant.

## Article 36

**Provisional pensions**

1. Where a serving staff member or former staff member in receipt of a retirement or invalidity pension, has been missing for more than a year in circumstances justifying a presumption of death, the spouse or persons recognised as dependants may provisionally be awarded a survivor's pension, or orphan's pension, as appropriate.

2. The provisions of paragraph 1 shall apply to persons recognised as dependants of a widowed spouse in receipt of a survivor's pension who has been missing for more than one year.

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

## TITLE III

**PROVISIONS APPLICABLE TO TEMPORARY STAFF**

## Article 37

**Statutory provisions**

*Temporary staff are auxiliary personnel recruited in principle for short periods. They do not have the status of international staff, and are entirely subject to the laws and regulations of the host State and the State of which they are nationals.*

1. Temporary staff are employees who do not occupy budgeted posts defined in the Centre's establishment table.

2. These employees shall be subject to the provisions of Title I and the following provisions of Title II:

— Chapter I: Article 3(2) (assistance and compensation), (4) (external activities) and (5) (candidacy for public or political office)

— Chapter II: Articles 5 (age limit for employment) and 6 (medical examinations)

— Chapter III: Article 15 (salary advances)

— Chapter IV: Articles 17 (removal expenses) and 18 (travel on duty)

— Chapter V: Articles 19 (hours of work) and 20 (public holidays)

— Chapter VII: Article 27 (compensation for damage)

— Chapter VIII: (appeals) — subject to Article 40(3)

## Article 38

**Contracts**

Temporary staff shall be engaged for a period of 1 to 6 months. Contracts shall be renewable under the same conditions. The Centre and the temporary staff member may terminate contracts by giving 10 clear days' notice.

## Article 39

**Remuneration**

1. The remuneration of temporary staff shall be fixed contractually; it shall be made up of a net monthly salary excluding any additional allowances, whatever the family or social situation of the person concerned.

2. As temporary staff do not benefit from the pension scheme, no deduction shall be made in respect of it.

(<sup>1</sup>) Or beginning on the date that payment of a salary to the deceased staff member ceased.

3. At the beginning of the year the remuneration of temporary staff shall be increased by the same percentage as that granted to staff members by the Board.

*Article 40*

**Special provisions**

1. Installation and departure expenses

Temporary staff may not claim reimbursement of installation or departure expenses for their families.

2. Leave

Temporary staff shall be entitled to one and a half days' leave per month served.

3. Disputes

Internal disputes concerning the rights and remuneration of temporary staff shall be dealt with under the appeals procedures described in Article 30 of these Regulations.

All other disputes shall come within the jurisdiction of the ordinary courts of the host State.

TITLE IV

**PROVISIONS APPLICABLE TO EXPERTS AND SECONDED EXPERTS**

*Article 41*

**Statutory and financial provisions**

1. Experts and seconded experts shall have the status of visitors to the Centre. They shall be subject to the provisions of Title I of these Regulations, with which they shall acquaint themselves on appointment.

2. Their overall remuneration shall be fixed from the beginning of their activities at the Centre; it shall be paid in successive portions, as defined by the Director, in accordance with the results of the work for which they have been engaged or accepted.

3. Appointed experts shall be entitled to reimbursement of travel expenses for themselves only when they arrive at the Centre and when they leave it. Exceptionally, and as decided by the Director, this reimbursement may be paid to a trainee.

4. Seconded experts from third States shall have the status of visitors to the Centre. They shall be subject to the provisions of Title I of these Regulations, with which they shall acquaint themselves on appointment, without prejudice to the provi-

sions of the Annex to the Council Joint Action on the establishment of a European Union Satellite Centre.

*Article 42*

**Representation of staff**

(a) A general meeting of all members of the staff, held annually, shall, in accordance with a procedure approved by the Director, elect a Staff Committee to act as the staff's executive body.

(b) The Staff Committee shall:

1. defend the professional interests of all staff of the Satellite Centre;
2. make proposals for improving the well-being of the staff;
3. make suggestions regarding social, cultural and sporting activities for the staff;
4. represent all staff members vis-à-vis staff associations of other international organisations.

## ANNEX I

**INDEMNITY FOR LOSS OF JOB**

- References:*
- (a) Article 7 of the Staff Regulations.
  - (b) Annex V to the 78th Report of the Coordinating Committee of Government Budget Experts, August 1972.

**1. Circumstances in which the indemnity is awarded**

An indemnity for loss of job <sup>(1)</sup> may be awarded to a staff member whose contract is terminated for one of the following reasons:

- (a) suppression of the budgeted post;
- (b) changes in the duties of the budgeted post occupied by the staff member of such a nature that he no longer possesses the required qualifications;
- (c) the withdrawal from the Board of the Member State of which the staff member is a national;
- (d) the transfer of the headquarters of the Centre, by a distance of over 100 km, from the location where the staff member was engaged, and the refusal of the staff member to be transferred since such an eventuality was not foreseen in his contract;
- (e) the withdrawal of security clearance <sup>(2)</sup> from the staff member for reasons other than disciplinary ones.

The indemnity shall not be due if:

- (f) the staff member has obtained another post at the same grade at the Centre;
- (g) the staff member has obtained a new appointment in another international organisation in the same locality;
- (h) the staff member, as a public employee of a Member State, has obtained re-integration and remuneration in his national administration within 30 days following the termination of his contract by the Centre;
- (i) the staff member's contract has been terminated as a result of a disciplinary procedure.

**2. Payment of the indemnity to staff members having served less than 10 years at the Centre <sup>(3)</sup>**

Provided that their current contract has not come to an end, such staff members shall be entitled to an indemnity amounting to 50 % of their net monthly remuneration multiplied by the number of months <sup>(4)</sup> remaining up to the expiry of the term of their contract, up to a maximum of 5 months' remuneration. Net remuneration shall be taken to mean basic salary plus all additional allowances and indemnities paid monthly.

**3. Payment of the indemnity to staff members having served more than 10 years at the Centre <sup>(3)</sup>**

Such staff members shall be entitled to an indemnity equal to 100 % of their net monthly remuneration per year of service at the Centre, up to a maximum of 24 months.

The amount of the indemnity shall not represent a number of months <sup>(4)</sup> which exceeds the period that the staff member would have to serve before reaching the age limit specified in Article 5 of these Regulations.

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<sup>(1)</sup> As distinct from leaving allowance, which represents merely the settlement of pension rights.

<sup>(2)</sup> Only in cases where the post occupied requires such clearance.

<sup>(3)</sup> Or 10 years accumulated uninterrupted service at the Centre and another international organisation.

<sup>(4)</sup> Or fractions of months, expressed in thirtieths.

## ANNEX II

**EXPATRIATION ALLOWANCE**

1. Staff members so entitled under Article 10 of the Staff Regulations shall receive a monthly expatriation allowance. The amount of the allowance shall be:
  - (a) for staff members entitled to household allowance:
    - 18 % of the reference salary during the first ten years' service;
    - 17 % of the reference salary during the eleventh year of service;
    - 16 % of the reference salary during the twelfth year of service;
    - 15 % of the reference salary as from the fourteenth year of service;
  - (b) for staff members not entitled to household allowance:
    - 14 % of the reference salary during the first ten years' service;
    - 13 % of the reference salary during the eleventh year of service;
    - 12 % of the reference salary during the twelfth year of service;
    - 11 % of the reference salary as from the fourteenth year of service.
2. The reference salary shall be the net basic salary payable at step 1 of staff members' grades.
3. Expatriation allowance shall not be lower than the basic salary payable at grade B3 step 1.

## ANNEX III

**CHILDREN AND OTHER DEPENDANTS****1. Dependant children**

- (a) A legitimate, legally recognised natural or adopted child deemed to be a dependant of a staff member is a child whose continuous maintenance and education are ensured by that staff member, and who lives continuously with the family, in the same locality that the staff member is in post or in the locality where the other parent lives.
- (b) The staff member concerned must submit to the administrative section copies of documents legally certifying that the child is dependent on him for material support.
- (c) A child shall not be considered a dependant of the staff member:
  - when it attains the age of 26;
  - when, before reaching that age, it is in receipt of a salary, income or fees in its own right;
  - where the staff member or spouse caring for the child receives, under his or her national laws or regulations, or those of the host country, an allowance of the same nature;
- (d) The administrative section shall be entitled to demand that official or notarial documents that it deems necessary to establish a right to the corresponding allowances be produced.

**2. Other dependants**

- (a) A person other than a dependant child as defined in paragraph 1 may be considered a staff member's dependant on the following conditions:
  - he is a parent or other close relative by blood or marriage;
  - he lives continuously with the staff member or his spouse, or is regularly admitted to an institution giving specialist medical care;
  - the person concerned does not have adequate resources of his own to support himself.
- (b) The staff member concerned must provide the administrative section with valid evidence that the person is dependent on him for material support.
- (c) The administrative section shall be entitled to demand that official or notarial documents that it deems necessary to establish a right to the associated allowances be produced.

## ANNEX IV

**HANDICAPPED DEPENDANTS**

1. A dependant is deemed to be handicapped if it is established by medical evidence that he is suffering from a serious and permanent disability necessitating either special care or supervision not provided free of charge, or special education or training.
2. The decision to pay the allowance shall be made by the Director after consulting a board which he shall constitute for the purpose, and which shall include at least one medical practitioner. The Director's decision shall specify the period for which the allowance is to be paid, subject to review.
3. The criterion for entitlement to the provisions of these Regulations shall be the serious and continuing impairment of the physical or mental activities.  
Dependant persons may thus be deemed to be handicapped where they suffer from:
  - serious or chronic affection of the central or autonomic nervous system, however caused, such as diseases of the brain, myopathy and autonomic paralysis;
  - serious affection of the locomotor system;
  - serious affection of one or more sensory systems;
  - chronic and disabling mental illness.The above list shall not be deemed to be exhaustive. It is given by way of indication only, and shall not be taken as a basis for assessing the degree of disability or incapacity.
4. The amount of the allowance shall be equal to the amount of the allowance for a dependant child, and shall be additional thereto.
5. In the event that the staff member concerned or his household is entitled to a similar allowance under a national or international scheme, the amount of the allowance payable by the Centre shall be the amount by which the rate payable under these Regulations exceeds the amount payable under the national or international scheme.

## ANNEX V

**RENT ALLOWANCE**

1. The amount of the allowance shall be a proportion of the difference between the actual rent paid, excluding all charges mentioned in Article 11(5)(a), and a sum calculated as follows:
  - (a) 15 % of net basic salary for staff members of grades C and B, up to and including B.4;
  - (b) 20 % of net basic salary for staff members of grades B.5 and B.6;
  - (c) 22 % of net basic salary for staff members of grades A.1 and L.1.
2. The said proportion shall be:
  - (a) 50 % for single staff members and married staff members with no dependants;
  - (b) 55 % for staff members with one dependant;
  - (c) 60 % for staff members with two or more dependants.
3. The allowance shall not exceed:
  - (a) 10 % of net basic salary of the staff member concerned in the case of grades C to B.4 inclusive;
  - (b) 15 % of net basic salary in the case of grades B.5 and B.6, and A.1 and L.1.

*Net basic salary shall be deemed to mean the actual basic salary as given in the annual scales agreed by the Board, but excluding any other additions to or deductions from remuneration.*



## ANNEX VI

**TRAVEL COSTS AND REMOVAL EXPENSES****SECTION I — Travel costs of staff members and their families between their place of residence and duty station**

1. Staff members whose place of residence is more than 100 km from their duty station shall be entitled, subject to the provisions of Article 22 of these Regulations, to reimbursement of the actual costs of travel:
  - (a) on taking up their appointment, for travel from their place of residence to their duty station;
  - (b) on transfer from the duty station where they were recruited to another duty station more than 100 km away;
  - (c) on leaving their appointment:
    - either for travel from their duty station to their place of residence at the time they were recruited;
    - or, for travel from their duty station to a place of residence other than that mentioned above, provided that the expenditure to be reimbursed is not greater.
2. Reimbursement of the travel costs mentioned in paragraph 1 shall be totally or partially refused in the following cases:
  - (a) where entitlement has not been established at the time a staff member takes up his appointment;
  - (b) if all or part of the expenditure in question has been paid by a government or other body;
  - (c) where a staff member leaves his appointment, if the journey does not take place within a period of three months starting from the date the staff member's duties cease, or if the application for reimbursement has not been received by the administrative section within 30 days of the journey;
  - (d) when the staff member's duties cease, if the person concerned has resigned before completing twelve months' service at the Centre.
3. Staff members who satisfy the conditions listed in paragraphs 1 and 2, and who receive household allowance, shall also be entitled to:
  - (a) reimbursement of travel costs actually incurred by their spouse and dependant children when they join the staff member at his duty station;
  - (b) reimbursement of travel costs actually incurred by their spouse and dependant children when they move from one duty station to another duty station situated over 100 km away, if the duration of the transfer is unspecified but exceeds two months;
  - (c) reimbursement of travel costs actually incurred by their spouse and dependant children when their duties cease, except that the reimbursement may be refused if the staff member resigns before having completed twelve months' service at the Centre.
4. Spouses and dependant children <sup>(1)</sup> shall be deemed to be of the same grade as the staff member concerned.

**SECTION II — Removal expenses**

1. Staff members whose place of residence is more than 100 km from their duty station shall be entitled to the reimbursement of expenses actually incurred for the removal of their household effects on the following occasions:
  - (a) on taking up their appointment;
  - (b) on transfer of indefinite duration exceeding two months from one duty station to another duty station that is over 100 km away;
  - (c) when leaving the Centre, except that the reimbursement may be refused if the staff member resigns before having completed twelve months' service at the Centre.
2. Reimbursement of expenses incurred for removal of household effects, including packing, shall be made up to the following limits:
  - (a) For staff members entitled to household allowance:

6 000 kg	or 40 m <sup>3</sup>
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Plus 750 kg or 5 m<sup>3</sup> per child residing with the staff member.

<sup>(1)</sup> Or dependants in the sense given in the provisions of Annex IV.

(b) For staff members not entitled to household allowance:

4 000 kg	or 27 m <sup>3</sup>
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To claim expenses under the provisions of this Section, staff members must submit to the Head of Administration and Personnel, for prior approval, at least two estimates of removal expenses, from different companies, together with an inventory of their household effects <sup>(1)</sup>. Reimbursement shall be made only within the limits of the entitlement and on the basis of the lower estimate.

3. Staff members may only claim reimbursement under this Section if the expenditure in question is not reimbursable by a government or other authority.

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<sup>(1)</sup> The two estimates must refer to the same weight (or volume), transported over the same distance.

## ANNEX VII

## OFFICIAL DUTY EXPENSES

*Staff members travelling on official Centre duty shall be entitled to reimbursement of all of their travel costs and to a daily allowance to cover subsistence when away from their place of duty in accordance with the provisions of Article 18 of these Regulations.*

## Section I — Means of transport

Travel by staff members on duty shall be performed by the most economic means available, subject to the derogations provided for in this Section <sup>(1)</sup>.

Air and rail travel are considered to be the normal means of transport. The Director may, however, authorise staff members on official duty to use a private or official car, in particular when a doctor certifies that they cannot travel by air for medical reasons, and that travel by rail is either not possible, too long or too expensive.

If a staff member travelling on official duty chooses, and is authorised, to travel by means other than the most economic available, the following rules shall apply:

- he shall be entitled only to reimbursement of the cost of the journey by the most economic means of transport;
- he shall be entitled to subsistence allowance only for the length of time he would have taken had his journey been made by the most economic means available;
- working time taken by him in consequence of such travel in excess of the time which would have been taken had he travelled by the most economic means available will count against his annual leave entitlement.

## 1. Air travel

Except where authorised by the Director, all travel shall be in 'economy' class or the equivalent.

## 2. Rail travel

- (a) Grades A4 and L4 and above shall be entitled to first class travel;
- (b) all other staff shall travel second class;
- (c) for journeys by rail involving night travel of a minimum duration of six hours, staff members shall be entitled to reimbursement of the costs of sleeping berths, but not of sleeping compartments; if the latter are used, staff members shall be entitled to reimbursement of the costs of 1st or 2nd class sleeping berths, depending on their grade;
- (d) the Director may authorise staff members of lower grades to travel with staff members of higher grades where this facilitates the transaction of official business; in such cases reimbursement shall be at the higher rate.

## 3. Road journeys — use of private cars

- (a) Staff members may be authorised to travel by private car in the interests of the Centre. In such cases, they shall be entitled to an allowance per kilometre calculated on the basis of the quickest usual route. The allowance shall be calculated on the basis of the rate applying in the country where the Centre is located, irrespective of the country or countries where the travel takes place. The rates in use shall be promulgated in an administrative memorandum <sup>(2)</sup>.
- (b) If the staff member concerned has been authorised to carry other members of the Centre, he shall be paid an additional allowance per kilometre equal to 10 % of the rate of the kilometric allowance for each passenger <sup>(3)</sup>; if the route followed involves special charges (such as tolls, or transport of the car by ship or car ferry), such charges shall be reimbursed on production of supporting vouchers, except for any costs of air travel.
- (c) Staff members using their own cars must show beforehand that they hold an insurance policy covering third party risks and risks to passengers in particular.
- (d) In the event of an accident, the Centre will not refund the cost of any damage to property.

<sup>(1)</sup> These provisions may be extended to temporary staff, as decided by the Director.

<sup>(2)</sup> The total sum paid may not exceed the amount that the Centre would otherwise have had to disburse.

<sup>(3)</sup> In such cases, 'passengers' shall not be entitled to any reimbursement of travel costs.

**Section II — Subsistence allowance for staff members travelling on official duty**

1. Staff members travelling on official duty shall be entitled to subsistence allowance at the rates decided each year by the Board.

However, the Director may authorise:

- (a) special rates for countries where the cost of living is higher or lower than the normal rates;
- (b) the payment of subsistence allowance at a higher rate than that to which staff members would normally be entitled if this will facilitate the transaction of official business;
- (c) the payment of an allowance if sick leave has to be granted during the mission, except where the mission is being carried out in the place where the staff member lives.

2. Subsistence allowance shall be calculated as follows:

- (a) staff members shall be entitled to one day's subsistence allowance for each complete 24-hour period of duty <sup>(1)</sup>;
- (b) no subsistence allowance shall be payable for periods of less than 4 hours;
- (c) where the period of duty is 4 hours or more but less than 8 hours, the staff member shall be entitled to one-quarter of the daily allowance. He shall likewise be entitled to one-quarter of the daily allowance in respect of any period of 4 hours or more but less than 8 hours in excess of any complete period of 24 hours;
- (d) where the period of duty is 8 hours or more without hotel accommodation, the staff member shall be entitled to one-half of the daily allowance. He shall likewise be entitled to one-half of the daily allowance in respect of any period of 8 hours or more but less than 24 hours in excess of any complete period of 24 hours;
- (e) where the mission necessarily involves hotel accommodation, the staff member concerned may be paid the full daily allowance;
- (f) a notional period shall be added to the actual journey time for the purpose of calculating subsistence allowance to allow for travelling time to the main station or airport. This period shall be as follows:
  - 2 hours for train journeys;
  - 3 hours for air travel.

3. Reduced subsistence allowance

The allowance shall be reduced:

- (a) when the journey involves meals or overnight accommodation: by 15 % for each main meal and by 50 % for overnight accommodation provided in the fare;
- (b) by three-tenths if a staff member travels by night ferry, sleeping berth or compartment, by rail or air, for the period covered by the travel;
- (c) by three-tenths if a staff member travels on official duty to the town of his official home when his family is still in residence there;
- (d) by three-quarters when accommodation is provided by an external body.

4. Additions to subsistence allowance

The allowance shall be deemed to cover all the expenses liable to be incurred by a staff member travelling on duty, except the expenses listed below, for which additional reimbursement may be claimed:

- (a) visa fees and similar charges arising directly from travel on official duty;
- (b) excess luggage charges authorised expressly by the Director;
- (c) postal, telegraphic and long-distance telephone charges incurred for official purposes;
- (d) hospitality expenses incurred by staff members in conformity with conditions laid down by the Director;
- (e) taxi fares, provided the Director has given his prior approval and evidence of the expenditure is produced;

If in certain circumstances the expenditure on accommodation exceeds 60 % of the daily subsistence allowance, the Centre may reimburse the excess amount partially or totally on presentation of vouchers and sufficient proof that additional expenditure was unavoidable. This reimbursement may not exceed 30 % of the daily subsistence allowance.

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<sup>(1)</sup> These periods are to be counted as from the date and time of departure from the Centre or the staff member's home up to the date and time of return to the Centre or home. If the staff member is on leave before the beginning of the mission, the date and time to be taken are those when the mission began, and if the staff member is on leave immediately after the end of the mission, the date and time to be used are those when the mission ended.

## ANNEX VIII

**SICK LEAVE, MATERNITY LEAVE AND OTHER SPECIAL LEAVE****1. Absence for health reasons and sick leave**

- (a) Staff members absent owing to sickness or accident for more than three consecutive days shall be required to produce a medical certificate within three days of ceasing work.
- (b) Absences occasioned by sickness or accident that last no more than three days and for which no medical certificate is provided may, if they exceed nine working days in any one calendar year, entail a corresponding reduction in the annual leave due to the staff member concerned or a corresponding reduction in his emoluments if he has already taken his annual leave in full.
- (c) Staff members absent owing to sickness or accident shall be entitled, on production of a medical certificate, to sick leave with full pay and allowances for a maximum period of thirteen consecutive weeks.
- (d) Continuous absence due to sickness or accident exceeding thirteen consecutive weeks may be regarded by the Director as grounds for termination of contract.
- (e) Frequent recurrence of short periods of illness may be regarded by the Director as grounds for termination of contract.
- (f) The Director of the Centre may at any time require the staff member concerned to undergo a medical examination.

**2. Infectious diseases, vaccination and accidents**

- (a) Any staff member contracting an infectious disease must absent himself from duty and report the circumstances immediately to the Head of Administration and Personnel. If an infectious disease is reported among the family or intimate friends of a staff member, the latter must immediately inform the Head of Administration and Personnel and conform to such health precautions as may be prescribed by that officer. All staff members who have been in contact with a person who has contracted an infectious disease and are as a result obliged to absent themselves from duty shall be entitled to all of their emoluments; such absence shall not be deducted from either their sick leave or annual leave entitlements.
- (b) Staff members shall submit to any preventive vaccinations or inoculations that may be required.
- (c) All accidents to staff members, whether incurred at work or outside the Centre, however trifling they may appear at the time, must be reported immediately by the staff member to the Head of Administration and Personnel, together with the names and addresses of any witnesses.

**3. Special leave, marriage leave and maternity leave**

- (a) Special leave with full or part pay, not exceeding eight working days per year, or without pay, may be granted by the Director of the Centre for exceptional or urgent private reasons.
  - (b) Special leave of six days with full pay shall be granted on the occasion of the marriage of a staff member.
  - (c) Maternity leave on full pay, and not to be charged against sick or annual leave, shall be granted to staff members on production of an appropriate medical certificate. Maternity leave shall be for sixteen weeks, beginning six weeks before the expected date of birth. If the birth occurs after the expected date, the leave shall be extended until the expiry of ten weeks following the birth.
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## ANNEX IX

**COMPOSITION AND PROCEDURES OF DISCIPLINARY BOARDS****1. Composition of the Disciplinary Board**

The Disciplinary Board shall consist of:

- (a) a grade A or L staff member nominated by the Director, other than the Head of Administration and Personnel or the person to whom the staff member concerned is responsible, as Chairman;
- (b) a staff member nominated by the Director;
- (c) a staff member of the same grade as the staff member concerned and nominated by him;
- (d) the Head of Administration and Personnel, acting as legal adviser, without the right to vote.

**2. Procedure**

- (a) The Disciplinary Board shall take note of all the documents relevant to the consideration of the case. It shall, if he so requests, hear the interested party. The interested party may have the assistance of, or be represented by, a staff member. The Disciplinary Board shall also hear any person it deems advisable to summon.
  - (b) The Disciplinary Board shall act in private. Its members shall not divulge any information which may have come to their knowledge during the proceedings, or any particulars of the proceedings.
  - (c) The Disciplinary Board shall give its reasoned opinion to the Director. That opinion shall include a recommendation as to whether a sanction is appropriate, and if so the severity of that sanction.
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## ANNEX X

**APPEALS BOARD****A. Jurisdiction**

The Appeals Board shall have authority to settle disputes arising out of violations of these Regulations or of the contracts provided for in Article 7. To that end it shall have jurisdiction with regard to appeals brought by serving or former staff members, or by their heirs and assigns, against a decision of the Director.

**B. Composition and status**

- (a) The Appeals Board shall be composed of a Chairman and two members. They may be replaced by deputies. The Chairman or one of the members and one of their deputies must have legal qualifications.
- (b) The Chairman, his deputy, the members and their deputies shall be appointed by the Board of the Centre, for a period of two years, from outside the staff of the Centre. If any of these is at any time unable to serve, a new appointment shall be made for the unexpired term.
- (c) No meeting of the Appeals Board is in order unless the Chairman, or his deputy, and two members, or their deputies, are present.
- (d) The members of the Board shall be fully independent in the exercise of their duties.
- (e) The emoluments of the Chairman, members and deputies shall be fixed by the Board of the Centre.
- (f) The Appeals Board shall establish its own rules subject to the provisions of this Annex.

**C. Secretariat of the Board**

- (a) The Secretary of the Board shall be appointed by the Director and shall be a member of the staff of the Centre.
- (b) In the exercise of his duties, the Secretary of the Board shall act as a registrar and shall be subject only to the authority of the Board.

**D. Appeals**

- (a) Appeals submitted to the Board shall only be admissible if the appellant has previously failed to obtain satisfaction through an internal administrative appeal to the Director.
- (b) The appellant shall have a period of twenty days from notification of the decision complained of or the date of rejection of the mediator's findings in which to submit a written request that such decision be withdrawn or modified by the Appeals Board. That request shall be addressed to the Centre's Head of Administration and Personnel, who shall acknowledge receipt of it and initiate the procedure for convening the Board.
- (c) Appeals must be lodged with the Secretariat of the Appeals Board within two months of the date of notification of the decision complained of. Nevertheless, in exceptional cases, in particular where pensions are concerned, the Appeals Board may admit appeals lodged within one year of the date of notification of the decision complained of.
- (d) Appeals must be in writing; they must state all grounds of appeal put forward by the appellant and supporting documentary evidence must be produced at the same time.
- (e) Appeals shall not stay the execution of the decisions complained of.

**E. Preliminary procedure**

- (a) Appeals shall be transmitted immediately to the Director, who must make his comments thereon in writing. A copy of these comments shall, within one month from the date of lodging the appeal, be communicated to the Secretary of the Board, and to the appellant, who within twenty days may make a reply in writing, a copy of which shall be communicated immediately to the Director by the Secretary of the Board.
- (b) Appeals, together with the memorandums and the documentary evidence in support, the comments of the Director and the appellant's reply, if any, shall be communicated to the members of the Board by its Secretariat within three months of the lodging of the appeal and at least fifteen days before the date of the meeting at which they are to be considered.

**F. Convening of the Board**

The Appeals Board shall be convened by its Chairman. It shall in principle consider appeals submitted to it within four months of the date on which they were lodged.

**G. Meetings of the Board**

- (a) The meetings of the Appeals Board shall be held in private (unless the Board decides otherwise). The Board shall deliberate in secret.
- (b) The Director or his representative, together with the appellant, shall attend the proceedings and may make oral statements in support of the grounds adduced in their memorandums.
- (c) The Appeals Board may require the production of any document that it deems useful for the consideration of the appeal before it. Documents so produced must also be communicated to the Director and the appellant.
- (d) The Board shall hear the parties and such witnesses as it deems may usefully depose in the proceedings. Any staff member called as a witness must appear before the Board and may not refuse to give the required information.
- (e) Persons attending a meeting of the Board shall in no case divulge any facts coming to their notice or any opinions expressed during the proceedings.

**H. Decisions of the Board**

- (a) In exceptional circumstances, the Board may make an interim order staying the execution of the measure complained of, pending a final decision in accordance with following paragraphs.
  - (b) Decisions shall be taken by majority vote. They must be rendered in writing and must state the grounds on which they are based. There shall be no appeal from them, and they shall be enforceable for both parties within one clear day of their notification.
  - (c) The Board may, however, be requested to rectify a clerical or accidental mistake in a decision rendered. Requests for rectification must be submitted within six months of the date when the mistake was noted.
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# COMMISSION

## COMMISSION DECISION

of 1 February 2002

### approving a Diagnostic Manual establishing diagnostic procedures, sampling methods and criteria for evaluation of the laboratory tests for the confirmation of classical swine fever

(notified under document number C(2002) 381)

(Text with EEA relevance)

(2002/106/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever<sup>(1)</sup>, and in particular Article 17(3) and Article 29(1) thereof,

Whereas:

- (1) It is necessary to lay down at Community level diagnostic procedures, sampling methods and criteria for the evaluation of the results of laboratory tests for the confirmation of classical swine fever.
- (2) Annex IV to Directive 2001/89/EC lays down the functions and duties of the Community Reference Laboratory for classical swine fever in order to coordinate, in consultation with the Commission, the methods employed in the Member States for diagnosing the disease; these functions and duties include the organisation of periodic comparative tests and the supplying of standard reagents at Community level.
- (3) Classical swine fever virus is not considered to be a hazard for human health.
- (4) Laboratory tests have been recently developed to ensure a quick diagnosis of classical swine fever.

- (5) The experience gained in the control of classical swine fever in recent years has resulted in the identification of the most suitable sampling procedures and criteria for evaluation of the results of the laboratory tests for a proper diagnosis of this disease in different situations.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

#### Article 1

1. Member States shall ensure that the confirmation of classical swine fever is based on:
  - (a) the detection of clinical signs and post-mortem lesions of disease;
  - (b) the detection of virus, antigen or genome in samples of pig tissues, organs, blood or excreta;
  - (c) the demonstration of a specific antibody response in blood samples,

in accordance with the procedures, sampling methods and criteria for evaluation of the results of laboratory tests laid down in the Manual annexed to this Decision.

<sup>(1)</sup> OJ L 316, 1.12.2001, p. 5.

2. However, the national diagnostic laboratories referred to in Annex III(1) to Directive 2001/89/EC may apply modifications to the laboratory tests referred to in the Manual annexed to this Decision, or use different tests, provided that an equal sensitivity and specificity can be demonstrated.

The sensitivity and specificity of these modified or different tests must be evaluated in the framework of the periodic comparative tests organised by the Community Reference Laboratory for classical swine fever.

*Article 2*

Annexes I and IV to Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, are hereby repealed.

*Article 3*

This Decision shall apply from 1 November 2002.

*Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 1 February 2002.

*For the Commission*

David BYRNE

*Member of the Commission*

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<sup>(1)</sup> OJ L 47, 21.2.1980, p. 11.

## ANNEX

## CLASSICAL SWINE FEVER DIAGNOSTIC MANUAL

## CHAPTER I

**Introduction, objectives and definitions**

1. In order to ensure uniform procedures to diagnose classical swine fever, this Manual:
  - (a) provides guidelines and minimum requirements on diagnostic procedures, sampling methods and criteria for the evaluation of the results of clinical and post-mortem examinations and laboratory tests for a proper diagnosis of classical swine fever <sup>(1)</sup>;
  - (b) establishes minimum bio-safety requirements and quality standards to be observed by the classical swine fever diagnostic laboratories and for transport of samples;
  - (c) establishes the laboratory tests to be used for the diagnosis of classical swine fever and the laboratory techniques to be used for the genetic typing of classical swine fever virus isolates.
2. This Manual is principally directed towards the authorities responsible for the control of classical swine fever. Therefore, emphasis is on the principles and applications of laboratory tests and evaluation of their results and not on detailed laboratory techniques.
3. For the purpose of this Manual, in addition to the definitions referred to in Article 2 of Directive 2001/89/EC, the following definitions shall apply:
  - (a) 'suspected holding' means any pig holding which contains one or more pigs suspected of being infected with classical swine fever virus or a contact holding as defined in Article 2(v) of Directive 2001/89/EC;
  - (b) 'singleton reactors' means any pig which yields a positive result in serological tests for classical swine fever but which has no history of contact with classical swine fever virus and from which there is no evidence of spread of infection to in-contact pigs <sup>(2)</sup>;
  - (c) 'epidemiological sub-unit' or 'sub-unit' means the building, place or land nearby in which groups of pigs within a holding are kept in such a way that they have frequent direct or indirect contact one to the other but, in the meantime, they are kept separated from other pigs kept in the same holding;
  - (d) 'in-contact pigs' means the pigs which lived in a holding in direct contact with one or more pigs suspected to be infected with classical swine fever virus within the last 21 days.

## CHAPTER II

**Description of classical swine fever with emphasis on differential diagnosis****A. Introduction**

1. Classical swine fever is caused by an enveloped RNA virus which belongs to the genus *pestivirus* of the *flaviviridae* family. This virus is related to the ruminant *pestiviruses* causing bovine viral diarrhoea (BVDV) and border disease (BDV). This relationship has serious diagnostic consequences as cross reactions occur and may lead to false positive results of the laboratory tests.
2. Classical swine fever virus is relatively stable in moist excretions of infected pigs, pig carcasses and fresh pig meat and some pig meat products. It is readily inactivated by detergents, lipid solvents, proteases and common disinfectants.
3. The main natural route of infection is oro-nasal by direct or indirect contact with infected pigs or by feeding of virus contaminated feed. In areas with a high density of pigs, spread of virus easily occurs between neighbouring pig holdings. Disease transmission via semen of infected boars may also occur.
4. The incubation period in individual animals is about one week to ten days, but under field conditions clinical symptoms may only become evident in a holding two to four weeks after virus introduction or even more if only adult breeding pigs or mild strains of virus are concerned.

<sup>(1)</sup> When deciding the number of samples to be taken for laboratory testing, the sensitivity of the tests that will be used shall also be considered. The number of animals to be sampled shall be higher than the one indicated in this Manual, if the sensitivity of the test to be used is not very high.

<sup>(2)</sup> Singleton reactors may have titres of virus neutralising antibodies ranging from borderline (which is more often the case) to strongly positive. On re-sampling, singleton reactors may show a decreasing or constant titre. In general only few pigs in a herd give rise to these false/positive reactions.

5. The clinical signs of classical swine fever are extremely variable and it may be confused with many other diseases. Severity of symptoms depends mainly on the age of the animal and virus virulence. Usually young animals are affected more severely than older animals. In older breeding pigs the course of the infection is often mild or even sub-clinical.
6. Acute, chronic and prenatal forms of classical swine fever can be distinguished.

#### B. Acute form

1. Weaners and fattening pigs most often display the acute form of classical swine fever. The initial signs are anorexia, lethargy, fever, conjunctivitis, swollen lymph nodes, respiratory signs and constipation followed by diarrhoea.

The typical haemorrhages of the skin, are usually observed on the ear, tail, abdomen and the inner side of the limbs during the second and third week after infection until death. Neurological signs are frequently seen, such as a staggering hind limb gait, in coordination of movement, and convulsions.

A constant finding is fever. This is usually higher than 40 °C, but in adult pigs fever may not exceed 39,5 °C.

2. Classical swine fever virus causes severe leukopenia and immunosuppression, which often leads to enteric or respiratory secondary infections. The signs of these secondary infections can mask or overlap the most typical signs of classical swine fever and may mislead the farmer or the veterinarian.

Death occurs usually within one month. Recovery with production of antibodies does occur, most often in adult breeding animals which do not display severe clinical signs. Antibodies against classical swine fever virus are detectable from 2 to 3 weeks post infection onwards.

3. Pathological changes visible on post-mortem examination are most frequently observed in lymph nodes and kidneys. The lymph nodes become swollen, oedematous and haemorrhagic. Haemorrhages of the kidney may vary in size from hardly visible petechiae to ecchymotic haemorrhages. Similar haemorrhages can also be observed in the urinary bladder, larynx, epiglottis and heart and sometimes widespread over the serosa of the abdomen and chest. A non-purulent encephalitis is often present. Lesions due to secondary infections may also be seen which may mislead the veterinarian. Infarcts in the spleen are considered pathognomonic but are infrequently seen.
4. In general the acute form of African swine fever leads to a clinical and pathological picture very similar to that of classical swine fever. When present, haemorrhages on the skin and ears are quite easy to detect and lead to suspicion of acute African or classical swine fever. Few other diseases cause similar lesions.

Acute classical swine fever must also be considered in case of suspected erysipelas, porcine reproductive and respiratory syndrome, coumarin poisoning, purpura haemorrhagica, post-weaning multisystemic wasting syndrome, porcine dermatitis and nephropathy syndrome, *salmonella* or *Pasteurella* infections or any enteric or respiratory syndromes with fever which do not respond to antibiotic treatment.

5. Classical swine fever virus is shed in saliva, urine and faeces from the onset of clinical signs until death. Classical swine fever virus can also be shed via semen.

#### C. Chronic form

1. The chronic course of infection occurs when pigs are not able to develop an effective immune response against classical swine fever virus. Initial signs of a chronic infection are similar to the acute infection. Later, predominately non-specific signs are present, i.e. intermittent fever, chronic enteritis and wasting. The typical haemorrhages of the skin are missing.

These pigs may show clinical signs of disease for 2 to 3 months before death. Classical swine fever virus is constantly shed from the onset of clinical signs until death. Antibodies may be temporarily detected in serum samples.

2. Pathological changes are less typical, especially haemorrhages in organs and serosa may not be observed. In animals showing chronic diarrhoea, necrotic lesions are common on the ileum, the ileocaecal valve and the rectum.
3. As clinical signs of chronic classical swine fever are rather non-specific, many other diseases must be considered for differential diagnosis. The increased body temperature is not necessarily present in every animal, but in an infected holding fever can be detected at least in some pigs.

#### D. Prenatal form and late onset of disease

1. Classical swine fever virus is able to pass across the placenta of pregnant animals, and infect foetuses, but in the sows the disease is often sub-clinical.

The outcome of trans-placental infection of foetuses depends largely on the stage of gestation and viral virulence. Infection during early pregnancy may result in abortions and stillbirths, mummification and malformations. All this leads to a reduction of the fertility index in the holding.

Infection of sows at up to 90 days of pregnancy can lead to the birth of persistently viraemic piglets, which may be clinically normal at birth and survive for several months. After birth, they may show poor growth, wasting or occasionally congenital tremor. This course of infection is referred to as 'late onset classical swine fever'. These piglets may play a crucial role in spreading the disease and in the maintenance of virus persistence within a population, as they constantly shed virus until death.

2. Detection of classical swine fever may be particularly difficult in breeding pig holdings, as the course of the infection may be very mild and may be confused with many other pathological conditions. Reduced fertility and abortions can be caused by classical swine fever virus as well as parvovirus infection, PRRS, leptospirosis, and Aujeszky's disease. Material aborted due to classical swine fever infection cannot be distinguished pathologically from abortions due to other disease agents.

In case of suspicion of an infectious disease of the reproductive tract, investigation for classical swine fever must be immediately carried out whenever the holding in question can be considered at risk (e.g. due to location of the holding in an area where classical swine fever occurs in feral pigs), and in any case as soon as more common infectious diseases of the reproductive tract have been excluded.

### CHAPTER III

#### ***Guidelines on main criteria to be considered for the recognition of a holding as a classical swine fever suspected holding***

The decision to recognise a holding as a suspected holding will be taken on the basis of the following findings, criteria and grounds:

- (a) clinical and pathological findings in pigs. The main clinical and pathological findings to be considered are:
  - fever with increased morbidity and mortality;
  - fever with haemorrhagic syndrome;
  - fever with neurological symptoms;
  - fever of unknown origin where treatment with antibiotics failed to improve the health state;
  - abortions and increased fertility problems during the last three months;
  - congenital tremor of piglets;
  - chronically diseased animals;
  - growth retarded (runted) young animals;
  - petechial and ecchymotic haemorrhages, especially in lymph nodes, kidneys, spleen, bladder and larynx;
  - infarction or haematomas, notably in the spleen;
  - button ulcers in the large intestine of chronic cases, particularly near the ileo-caecal junction.
- (b) epidemiological findings. The main epidemiological findings to be considered are:
  - where pigs had direct or indirect contact to a pig holding proven to have been infected with classical swine fever;
  - where a holding has supplied pigs that were subsequently shown to be infected with classical swine fever;
  - where sows have been artificially inseminated with semen originating from a suspect source;

- where there has been indirect or direct contact with feral pigs of a population where classical swine fever occurs;
  - where pigs are kept outdoors in a region where feral pigs are infected with classical swine fever;
  - where pigs have been fed with swill and there is the suspicion that this swill has not been treated in such a way as to inactivate classical swine fever virus;
  - where possible exposure might have occurred, e.g. due to persons entering the holding, transports, etc.
- (c) findings related to results of serological tests. The main laboratory findings to be considered are:
- serological reaction caused by an unnoticed classical swine fever virus infection or by vaccination <sup>(1)</sup>;
  - cross-reaction between antibodies to classical swine fever and to other pestiviruses <sup>(2)</sup>;
  - detection of singleton reactors <sup>(3)</sup>.

#### CHAPTER IV

##### *Checking and sampling procedures*

###### **A. Guidelines and procedures for clinical examination and sampling on pigs in suspected holdings**

1. Member States shall ensure that appropriate clinical examinations, sampling and laboratory investigations are carried out in suspected holdings to confirm or exclude classical swine fever, in accordance with the guidelines and procedures laid down in subparagraphs 2 to 7.

Irrespective of the adoption of the measures referred to in Article 4(2) of Directive 2001/89/EC in the holding in question, those guidelines and procedures shall also apply in cases of disease whenever classical swine fever is considered in the differential diagnosis. This will include occasions when the clinical signs and epidemiological pattern of disease that are observed in pigs suggest a very low probability of occurrence of classical swine fever.

In all other cases where one or more pigs are suspected of being infected with classical swine fever virus, the measures referred to in Article 4(2) of Directive 2001/89/EC shall be adopted in the suspected holding in question.

In case of suspicion of classical swine fever in pigs in a slaughterhouse or means of transport, the guidelines and procedures laid down in subparagraphs 2 to 7 shall also apply *mutatis mutandis*.

2. When an official veterinarian visits a suspected holding to confirm or rule out classical swine fever:
  - a check of the production and health records of the holding must be carried out, if these records are available;
  - an inspection in each sub-unit of the holding must be carried out to select the pigs to be clinically examined.

The clinical examination must include the taking of body temperature and must primarily concern the following pigs or group of pigs:

- sick or anorexic pigs;
- pigs recently recovered from disease;
- pigs recently introduced from confirmed outbreaks or from other suspected sources;
- pigs kept in sub-units recently visited by external visitors which had a recent close contact with classical swine fever suspected or infected pigs or for which other particularly risky contacts with a potential source of classical swine fever virus have been identified;
- pigs already sampled and serologically tested for classical swine fever, in case the results of these tests do not allow to rule out classical swine fever, and in-contact pigs.

<sup>(1)</sup> If pigs have been vaccinated against classical swine fever with a conventional vaccine they can be found seropositive due to the vaccination alone, or due to a silent infection in vaccinated animals.

<sup>(2)</sup> Under certain circumstances up to 10 % of the pigs within a herd may have antibodies against ruminant pestiviruses causing bovine viral diarrhoea and border disease. For example, when pigs have direct contact with cattle or sheep infected with BVD virus or BD virus, or when pigs have contact with materials contaminated with ruminant pestiviruses.

<sup>(3)</sup> In all of the current serological tests for classical swine fever a small proportion of sera give false/positive results either due to the lack of specificity of the test-system or due to sera from the singleton reactors.

If the inspection in the suspected holding has not indicated the presence of the pigs or group of pigs referred to in the above subparagraph, the competent authority, without prejudice to other measures that may be applied in the holding in question in accordance with Directive 2001/89/EC and taking into account the epidemiological situation, shall:

- carry out further examinations in the holding in question in accordance with subparagraph 3 below; or
  - ensure that blood samples for laboratory tests are taken from the pigs in the holding in question. In this case the sampling procedures laid down in subparagraph 5 and in F.2, shall be used for guidance purposes; or
  - adopt or maintain the measures laid down in Article 4(2) of Directive 2001/89/EC, pending further investigations in the holding in question; or
  - rule out the suspicion of classical swine fever.
3. When reference is made to this paragraph, the clinical examination in the holding in question must be carried out on pigs selected at random in the sub-units for which a risk of introduction of classical swine fever virus has been identified or is suspected.

The minimum number of pigs to be examined must allow for the detection of fever if it occurs at a prevalence of 10 % with 95 % confidence in these sub-units.

However, in case of:

- breeding sows, the minimum number of sows to be examined must allow for the detection of fever if it occurs at a prevalence of 5 % with 95 % confidence;
  - at semen collection centres, all boars must be examined.
4. If dead or moribund pigs are detected in a suspected holding, post-mortem examinations must be carried out, preferably on at least five of these pigs and in particular on pigs:
- that before death have shown or are showing very evident signs of disease;
  - with high fever;
  - recently dead.

If these examinations have not shown lesions suggesting classical swine fever but, due to the epidemiological situation, further investigations are deemed necessary:

- a clinical examination, as laid down in subparagraph 3, and blood sampling as laid down in subparagraph 5 must be carried out in the sub-unit where the dead or moribund pigs were kept; and
- post-mortem examinations may be carried on 3 to 4 in-contact pigs.

Irrespective of the presence or absence of lesions suggesting classical swine fever, samples of the organs or tissues from pigs that have been subjected to post-mortem examination must be collected for virological tests in accordance with Chapter V B. 1 These samples must be preferably collected from recently dead pigs.

When post-mortem examinations are carried out the competent authority must ensure that:

- the necessary precautions and hygienic measures are taken to prevent any disease spread; and,
  - in case of moribund pigs, they are killed in a humane way in accordance with Council Directive 93/119/EEC.
5. If further clinical signs or lesions that may suggest classical swine fever are detected in a suspected holding, but the competent authority deems that these findings are not sufficient to confirm an outbreak of classical swine fever and that laboratory tests are therefore necessary, blood samples for laboratory tests must be taken from the suspected pigs and from other pigs in each sub-unit in which the suspected pigs are kept, in accordance with the procedures laid down below.

The minimum number of samples to be taken for serological tests must allow for the detection of 10 % seroprevalence with 95 % confidence in the sub-unit in question.

However, in the case of:

- breeding sows, the minimum number of sows to be sampled must allow for the detection of 5 % seroprevalence with 95 % confidence <sup>(1)</sup>;
- a semen collection centre, blood samples must be taken from all boars.

The number of samples to be taken for virological tests will be in accordance with the instructions of the competent authority, which will take into account the range of tests that can be performed, the sensitivity of the laboratory tests that will be used and the epidemiological situation.

<sup>(1)</sup> In certain cases, e.g. when classical swine fever is suspected in a holding with a limited number of young pigs, the proportion of infected sows may be very small. In these cases a higher number of sows must be sampled.

6. If the suspicion of classical swine fever in the holding in question is related to the results of previous serological tests, in addition to the blood samples to be taken from the pigs referred to in 2, second subparagraph, fifth indent, the following procedures shall be applied:
  - (a) if the seropositive pigs are pregnant sows, some of them, preferably not less than three, shall be euthanased and subjected to a post-mortem examination. Prior to killing a blood sample must be taken for further serological tests. The foetuses shall be subjected to examination for classical swine fever virus, virus antigen or virus genome in accordance with Chapter VI to detect intrauterine infection;
  - (b) if the seropositive pigs are sows with suckling piglets, blood samples must be taken from all piglets and shall be subjected to examination for classical swine fever virus, virus antigen or virus genome as referred to in Chapter VI. Blood samples must also be taken from the sows for further serological tests.
7. If, after the examination carried out in a suspected holding, clinical signs or lesions suggestive of classical swine fever are not detected, but further laboratory tests are deemed necessary by the competent authority to rule out classical swine fever, the sampling procedures laid down in subparagraph 5 shall be used for guidance purposes.

#### **B. Sampling procedures in a holding when pigs are killed following confirmation of disease**

1. In order that the manner of introduction of classical swine fever virus into an infected holding and the length of time elapsed since its introduction may be established, when pigs are killed on a holding following confirmation of an outbreak in accordance with Article 5(1)(a) of Directive 2001/89/EC, blood samples for serological tests must be taken at random from the pigs when they are killed.
2. The minimum number of pigs to be sampled must allow for the detection of 10 % seroprevalence with 95 % confidence in pigs in each sub-unit of the holding <sup>(1)</sup>.

Samples for virological tests may also be taken in accordance with the instructions of the competent authority, which will take into account the range of tests that can be performed, the sensitivity of the laboratory tests that will be used and the epidemiological situation.

3. However, in case of secondary outbreaks, the competent authority may decide to derogate from subparagraphs 1 and 2 and establish ad hoc sampling procedures, taking into account the epidemiological information already available on the source and means of virus introduction into the holding and the potential spread of disease from the holding.

#### **C. Sampling procedures when pigs are killed as a preventive measure on a suspected holding**

1. In order that classical swine fever may be confirmed or ruled out and additional epidemiological information is gained, when pigs are killed as a preventive measure on a suspected holding in accordance with the provisions of Article 4(3)(a) or Article 7(2) of Directive 2001/89/EC, blood samples for serological tests as well as blood or tonsils samples for virological tests must be taken in accordance with the procedure laid down in subparagraph 2.
2. Sampling must primarily concern:
  - pigs showing signs or post-mortem lesions suggesting classical swine fever and their in-contact pigs;
  - other pigs which might have had risky contacts with infected or suspected pigs or which are suspected to have been contaminated with classical swine fever virus.

These pigs must be sampled in accordance with the instructions of the competent authority, which will take into account the epidemiological situation. In this case, the sampling procedures laid down in the second, third and fourth subparagraphs below shall be used for guidance purposes.

Furthermore, pigs proceeding from each of the sub-units of the holding must be sampled at random <sup>(2)</sup>. In this case, the minimum number of samples to be taken for serological tests must allow for the detection of 10 % seroprevalence with 95 % confidence in the sub-unit in question.

<sup>(1)</sup> However, if the derogation provided in Article 6(1) of Directive 2001/89/EC has been applied, sampling must concern the sub-units of the holding where pigs have been killed, without prejudice to the further examinations and sampling to be carried out on the remaining pigs in the holding, which shall be carried out in accordance with the instructions of the competent authority.

<sup>(2)</sup> However, if the competent authority has limited the application of preventive killing only to the part of the holding where the pigs suspected of being infected or contaminated with classical swine fever virus were kept, in accordance with Article 4(3)(a) of Directive 2001/89/EC, sampling must concern the sub-units of the holding where this measure has been applied, without prejudice to the further examinations and sampling to be carried out on the remaining pigs in the holding, which will be carried out in accordance with the instructions of the competent authority.



However, in the case of:

- breeding sows, the minimum number of sows to be sampled must allow for the detection of 5 % seroprevalence with 95 % confidence <sup>(1)</sup>;
- a semen collection centre, blood samples must be taken from all boars.

The type of samples to be taken for virological tests and the test to be used will be in accordance with the instructions of the competent authority, which will take into account the range of tests that can be performed, the sensitivity of these tests and the epidemiological situation.

**D. Checking and sampling procedures before authorisation is given to move pigs from holdings located in protection or surveillance zones and in case these pigs are slaughtered or killed**

1. Without prejudice to the provisions of Article 11(1)(f), second subparagraph of Directive 2001/89/EC, in order that authorisation may be given to move pigs from holdings located in protection or surveillance zones in accordance with Article 10(3) of the said Directive, the clinical examination to be carried out by an official veterinarian must:

- be carried out within the 24-hour period before moving the pigs;
- be in accordance with the provisions laid down in A. 2.

2. In the case of pigs to be moved to another holding, in addition to the investigations to be carried out in accordance with subparagraph 1, a clinical examination of pigs must be carried out in each sub-unit of the holding in which the pigs to be moved are kept. In case of pigs older than three to four months, this examination must include the taking of temperature of a proportion of pigs.

The minimum number of pigs to be checked must allow for the detection of fever if it occurs at a prevalence of 10 % with 95 % confidence in these sub-units.

However, in the case of:

- breeding sows, the minimum number of sows to be examined must allow for the detection of fever if it occurs at a prevalence of 5 % with 95 % confidence in the sub-unit where the sows to be moved are kept;
- boars, all boars to be moved must be examined.

3. In case of pigs to be moved to a slaughterhouse, to a processing plant or to other places to be then killed or slaughtered, in addition to the investigations to be carried out in accordance with subparagraph 1, a clinical examination of pigs must be carried out in each sub-unit in which the pigs to be moved are kept. In case of pigs older than three to four months, this examination must include the taking of temperature of a proportion of pigs.

The minimum number of the pigs to be checked must allow for the detection of fever if it occurs at a prevalence of 20 % with 95 % confidence in the sub-units in question.

However, in the case of breeding sows or boars, the minimum number of pigs to be examined must allow for the detection of fever if it occurs at a prevalence of 5 % with 95 % confidence in the subunit where the pigs to be moved are kept.

4. When the pigs referred to in subparagraph 3 are slaughtered or killed, blood samples for serological tests or blood or tonsils samples for virological tests must be taken from pigs proceeding from each of the sub-units from which pigs have been moved.

The minimum number of samples to be taken must allow for the detection of 10 % seroprevalence or virus prevalence with 95 % confidence in each sub-unit.

However, in the case of breeding sows or boars the minimum number of pigs to be sampled must allow for the detection of 5 % of seroprevalence or virus prevalence with 95 % confidence in the subunit where these pigs were kept.

<sup>(1)</sup> In certain cases, e.g. when classical swine fever is suspected in a holding with a limited number of young pigs, the proportion of infected sows may be very small. In these cases a higher number of sows must be sampled.

The type of samples to be taken and the test to be used will be in accordance with the instructions of the competent authority, which will take into account the range of tests that can be performed, the sensitivity of these tests and the epidemiological situation.

5. However, if clinical signs or post-mortem lesions suggesting classical swine fever are detected when the pigs are slaughtered or killed, by way of derogation from subparagraph 4, the provisions on sampling laid down in C shall apply.

#### **E. Checking and sampling procedures in a holding in relation to re-population**

1. When pigs are re-introduced into a holding in accordance with Article 13(2)(a) or (2)(b) or Article 19(8), second subparagraph (b) of Directive 2001/89/EC, the following sampling procedures must be applied:
  - in case sentinel pigs are reintroduced, blood samples for serological tests must be taken at random from a number of pigs that allow for the detection of 10 % seroprevalence with 95 % confidence in each sub-unit of the holding;
  - in case of total re-population, blood samples for serological tests must be taken at random from a number of pigs that allow for the detection of 20 % seroprevalence with 95 % confidence in each sub-unit of the holding.

However, in the case of breeding sows or boars the number of samples to be taken must be such as to detect 10 % seroprevalence with 95 % confidence.

2. After re-introduction of pigs, the competent authority shall ensure that in case of any disease or death of the pigs in the holding due to unknown reasons, the pigs in question are immediately tested for classical swine fever. These provisions shall apply until the restrictions referred to in Article 13(2)(a), second subparagraph and Article 19(8), second subparagraph (b), second sentence of Directive 2001/89/EC are lifted in the holding in question.

#### **F. Sampling procedures in holdings in the protection zone before lifting restrictions**

1. In order that the measures referred to in Article 10 of Directive 2001/89/EC may be lifted in a protection zone, in all holdings in the zone:
  - a clinical examination must be carried out in accordance with the procedures laid down in A.2 and 3;
  - blood samples for serological tests must be taken as laid down in subparagraph 2.
2. The minimum number of blood samples to be taken must allow for the detection of 10 % seroprevalence with 95 % confidence in pigs in each sub-unit in the holding.

However, in the case of:

- breeding sows, the minimum number of samples to be taken must allow for the detection of 5 % seroprevalence with 95 % confidence;
- a semen collection centre, blood samples must be taken from all boars.

#### **G. Sampling procedures in holdings in the surveillance zone before lifting restrictions**

1. In order that the restrictions referred to in Article 11 of Directive 2001/89/EC may be lifted in a surveillance zone, a clinical examination must be carried out in all holdings in the zone in accordance with the procedures laid down in A.2.

In addition, blood samples for serological tests must be taken from pigs:

- in all the holdings where no pigs of between two and eight months of age are kept;
- whenever the competent authority deems that classical swine fever might have spread unnoticed amongst breeding sows;
- in any other holding where sampling is deemed necessary by the competent authority;
- in all semen collection centres.

2. Whenever blood sampling for serological tests is carried out in holdings located in the surveillance zone, the number of blood samples to be taken in these holdings must be in accordance with F.2. However, if the competent authority deems that classical swine fever might have spread unnoticed amongst breeding sows, sampling may only be carried out in the sub-units where these animals are kept.

#### H. Serological monitoring and sampling procedures in areas where classical swine fever is suspected to occur or has been confirmed in feral pigs

1. In the case of serological monitoring in feral pigs in areas where classical swine fever has been confirmed or is suspected to occur, the size and the geographical area of the target population to be sampled should be previously defined in order to establish the number of samples to be taken. Sample size must be established as a function of the estimated number of living animals and not as a function of shot animals.
2. If data on population density and size are not available, the geographical area within which to sample must be identified taking into account the continuous presence of feral pigs and the presence of natural or artificial barriers efficient to prevent large and continuous movement of the animals. When such circumstances do not occur, or in case of large areas, it is recommended to identify sampling areas of not more than 200 km<sup>2</sup>, where population of about 400 to 1 000 feral pigs may usually live.
3. Without prejudice to the provisions of Article 15(2)(c) of Directive 2001/89/EC, the minimum number of pigs to be sampled within the defined sampling area must allow to detect 5 % seroprevalence with 95 % confidence. For this purpose at least 59 animals must be sampled in each area which has been identified.

It is also recommended that:

- in areas where hunting pressure is higher and regularly performed, or selective hunting is carried out as a disease control measure, approximately 50 % of the sampled animals belong to the three months to one year age class, 35 % to one to two years age class and 15 % to more than 2 years age class;
  - in areas where hunting pressure is very low or absent, at least 32 animals are sampled for each one of the three age classes;
  - sampling is performed in a short time, preferably not more than one month;
  - the age of sampled animals is identified according to the teeth eruption.
4. Collection of samples for virological tests from feral pigs shot or found dead must be carried out as laid down in Chapter V B.1.  
  
When virological monitoring on shot feral pigs is deemed necessary, it must be primarily carried out on animals three months to one year old.
  5. All samples to be sent to the laboratory must be accompanied by the questionnaire referred to in Article 16(3)(1) of Directive 2001/89/EC.

### CHAPTER V

#### *General procedures and criteria for collection and transport of samples*

##### A. General procedures and criteria

1. Before sampling is carried out in a suspected holding, a map of the holding must be prepared and the epidemiological sub-units of the holding must be identified.
2. Each time that it is deemed that re-sampling of pigs might be necessary, all pigs which are sampled must be uniquely marked in such a way that they can be easily re-sampled.
3. Without prejudice to Chapter IV A. 5.b, samples for serological testing must not be taken from piglets less than eight weeks old.
4. All samples must be sent to the laboratory accompanied by appropriate forms, in accordance with the requirements established by the competent authority. These forms will include details of the history of the pigs sampled and the clinical signs or post-mortem lesions observed.

In the case of pigs kept in holdings, clear information on age, category and holding of origin of the pigs sampled must be provided. It is recommended that the location of each pig sampled in the holding be recorded together with its unique identification mark.

## B. Collection of samples for virological tests

1. For detection of classical swine fever virus, antigen or genome from dead or euthanised pigs, tonsils, spleen and kidney tissues are the most suitable samples. In addition, it is recommended to collect two samples of other lymphatic tissues, such as the retro-pharyngeal, parotid, mandibular or mesenteric lymph nodes and a sample of ileum. In case of autolysed carcasses, an entire long bone or the sternum is the specimen of choice.
2. Anticoagulated blood or clotted blood samples must be collected from pigs showing signs of fever or other signs of disease, in accordance with the instructions of the competent authority.
3. Virological tests are recommended in the case of sick animals. They are usually of limited value when used for monitoring purposes on animals which do not show clinical signs. However, if the objective of a large-scale sampling is to detect classical swine fever virus when the pigs are in their incubation period, the tonsils are the most appropriate samples.

## C. Transport of samples

1. It is recommended that all samples:
  - are transported and stored in leak-proof containers;
  - are not frozen but kept cool at refrigerator temperature;
  - are delivered to the laboratory as quickly as possible;
  - are kept in a package where ice packs rather than wet ice is used inside to keep them cool;
  - of tissue or organs are placed in a separate sealed plastic bag and properly labelled. They must be then placed in larger strong outer containers and packed with sufficient absorbent material to protect from damage and absorb leakage;
  - whenever possible, are directly transported to the laboratory by competent personnel in order that a rapid and reliable transport is ensured.
2. The outside of the package must be labelled with the address of the recipient laboratory and the following message should be prominently displayed: Animal pathological material; Perishable; Fragile; Do not open outside a classical swine fever laboratory.
3. The laboratory receiving the samples must be informed in advance of the time and mode of the arrival of the samples.
4. For air transport of samples to the Community Reference Laboratory for classical swine fever <sup>(1)</sup> from Member States other than Germany or from third countries the package has to be labelled according to IATA regulations.

## CHAPTER VI

### *Principles and use of virological tests and evaluation of their results*

#### A. Detection of virus antigen

##### 1. *Fluorescent antibody test (FAT)*

The principle of the test is the detection of viral antigen on thin cryosections of organ material from pigs suspected of being infected with classical swine fever virus. The intracellular antigen is detected by using a FITC conjugated antibody. A positive result should be confirmed by repeating the staining with a specific monoclonal antibody.

Suitable organs are tonsils, kidney, spleen, different lymph nodes and ileum. A smear of bone marrow cells might also be used in case of feral pigs, if these organs are not available or are autolysed.

The test can be performed within one day. As organ samples can only be obtained from dead animals its use for screening purposes is limited. Confidence in the test result may be limited by doubtful staining, particularly where considerable experience in performing the test has not been acquired or if the organs tested are autolysed.

<sup>(1)</sup> The Community Reference Laboratory has an unlimited permit to receive diagnostic samples and classical swine fever virus isolates. Copy of the import permit may be requested from this laboratory before transport and attached in an envelope to the outside of the package.

## 2. ELISA for antigen detection

Viral antigen is detected by using various ELISA techniques. The sensitivity of the antigen ELISA should be high enough to score a positive result from animals showing clinical signs of classical swine fever.

The use of ELISA for antigen detection is recommended on samples from animals with clinical signs or pathological lesions of disease. It is not suitable for the investigation of individual animals. Suitable samples are leukocytes, serum, non-coagulated blood as well as suspensions of the organs referred to in subparagraph 1 taken from pigs suspected of being infected with classical swine fever virus<sup>(1)</sup>.

The ELISA can be carried out within one day and can be performed by automatic equipment. The most important advantage is that large numbers of samples can be processed in a short period of time. It is recommended that ELISA antigen which give satisfactory results on reference material are used. However, at present all commercial ELISA are less sensitive than the virus isolation on cell culture and their sensitivity is significantly better on blood samples from piglets than from adult pigs.

## B. Virus isolation

1. Virus isolation is based on the incubation of sample material on susceptible cell cultures of porcine origin. If classical swine fever virus occurs in the sample, it will replicate in the cells to an amount that can be detected, by immunostaining of the infected cells with conjugated antibodies. Classical swine fever specific antibodies are required for differential diagnosis with respect to other pestiviruses.
2. The preferred samples for isolation of classical swine fever virus are leukocytes, plasma or whole blood obtained from non-coagulated blood samples or the organs referred to in A.1.
3. Virus isolation is best suited for the investigation of samples from small numbers of animals rather than mass surveillance. The virus isolation procedure is labour intensive and requires at least three days before results are available. Two further cell culture passages may be necessary in order that a small amount of virus in the sample is detected. This may lead to an investigation time of up to 10 days before a final result is obtained. Autolysed samples can be cytotoxic to the cell culture and consequently limit its use.
4. It is recommended to perform virus isolation also in case of previous confirmation of classical swine fever by other methods. It must be used as reference test for the confirmation of positive results of prior antigen ELISA, PCR or FAT, indirect peroxidase-staining methods respectively.

Classical swine fever virus isolates obtained in this way are useful for virus characterisation including genetic typing and molecular epidemiology.

5. All classical swine fever virus isolates from all primary outbreaks, primary cases in feral pigs or cases in slaughterhouse or means of transport must be genetic typed by a national reference laboratory in the Member States, or by any other laboratory authorised by the Member State in question or by the Community Reference Laboratory, in accordance with E.

In any case, these virus isolates must be sent to the Community Reference Laboratory for virus collection without delay.

## C. Detection of virus genome

1. The polymerase chain reaction (PCR) is applied to detect virus genome in blood, tissues or organ samples. Small fragments of viral RNA are transcribed into DNA fragments which are amplified by PCR to detectable quantities. Since this test detects only a genome sequence of the virus, the PCR may be positive, even when there is no infectious virus present (e.g. in autolysed tissues or samples from convalescent pigs).
2. PCR can be used on small numbers of samples which have been carefully selected from suspect animals or on material from aborted fetuses. In carcasses from wild boar it might be the method of choice, if the material is autolysed and virus isolation is not possible any more due to cytotoxicity.
3. Suitable sample material for diagnostic PCR are the organs described for virus isolation or unclotted blood.

<sup>(1)</sup> Several Classical swine fever ELISA antigen are commercially available, which are validated with different types of samples.

4. PCR can be performed within 48 hours. It requires appropriate laboratory equipment, separated facilities and skilled staff. An advantage is that infectious virus particles need not be replicated in the laboratory. The method is highly sensitive, but contamination may easily occur, which leads to false positive results. Therefore stringent quality control procedures are essential. Some methods are pestivirus rather than classical swine fever specific, requiring further confirmatory tests, such as sequencing of the PCR product.

#### D. Evaluation of the results of virological tests

1. Virological tests are essential for the confirmation of classical swine fever.

Virus isolation must be considered as the reference virological test and must be used as confirmatory test when necessary. Its use is particularly recommended in case positive FAT, ELISA or PCR results are not associated with the detection of clinical signs or lesions of disease and in any other doubtful case.

However, a primary outbreak of classical swine fever can be confirmed if clinical signs or lesions of disease have been detected in the pigs in question and at least two antigen or genome detection tests have given a positive result.

A secondary outbreak of classical swine fever can be confirmed if, in addition to the epidemiological link to a confirmed outbreak or case, clinical signs or lesions of disease have been detected in the pigs in question and an antigen or genome detection tests has given a positive result.

A primary case of classical swine fever in feral pigs can be confirmed after virus isolation or if at least two antigen or genome detection tests have given a positive result. Further cases of classical swine fever in feral pigs for which an epidemiological link with previously confirmed cases have been found can be confirmed if an antigen or genome detection test has given a positive result.

2. A positive result for classical swine fever to a genome or antigen detection test requires that the test in question has been performed using classical swine fever virus-specific antibodies or primers. If the test used was not specific for classical swine fever virus but only pestivirus specific, it must be repeated using classical swine fever specific reagents.

#### E. Genetic typing of classical swine fever virus isolates

1. Genetic typing of classical swine fever virus isolates is achieved by determining the nucleotide sequence of portions of the virus genome, namely specific parts of the 5'noncoding region and/or of the E2 glycoprotein gene. The similarity of these sequences with those already obtained from previous virus isolates can indicate whether or not outbreaks of disease are caused by new or already recognised strains. This can support or refute hypotheses on transmission routes that have been provided by epidemiological tracing.

Genetic typing of classical swine fever virus isolates is of major importance to determine the source of disease. However, a close relationship between viruses obtained from different outbreaks is not an absolute proof for a direct epidemiological link.

2. If virus typing cannot be performed in a national laboratory or in any other laboratory authorised to diagnose classical swine fever within a short delay, the original sample or the virus isolate must be sent to the Community Reference Laboratory for typing as soon as possible.

The data on typing and sequencing of classical swine fever virus isolates available to the laboratories authorised to diagnose classical swine fever must be forwarded to the Community Reference Laboratory in order that this information is entered into the database kept by this laboratory.

The information included in this database must be available to all national reference laboratories in the Member States. However, for the purpose of publication on scientific journals, if requested by the laboratory in question, the Community Reference Laboratory shall guarantee confidentiality of these data until they are published.

### CHAPTER VII

#### *Principles and use of serological tests and evaluation of their results*

##### A. Basic principles and diagnostic value

1. In classical swine fever virus infected pigs, antibodies are usually detectable in serum samples from two to three weeks after infection. In pigs that have recovered from the disease, protective neutralising antibodies can be detected for several years or even for their lifetime. Antibodies are also sporadically detectable in the terminal stage of lethally diseased animals. In some pigs with chronic form of classical swine fever, antibodies might be detectable for a few days at the end of the first month post-infection.

Pigs infected *in utero* may be immunotolerant against the homologue classical swine fever virus and produce no specific antibodies. However, antibodies of maternal origin can be detected during the first days of life. The half-life of maternal antibodies in non-viraemic healthy piglets is about two weeks. If found in piglets older than three months, classical swine fever antibodies are very unlikely to be of maternal origin.

2. The detection of antibodies against classical swine fever virus in serum or plasma samples is carried out to assist the diagnosis of classical swine fever in suspected holdings, for establishing the age of infection in case of a confirmed outbreak and for monitoring and surveillance purposes. However, serological tests are of limited value for the detection of classical swine fever in the case of a recent infection in a holding.

A few seropositive pigs with a low neutralisation titre can be indicative of a recent infection (two to four weeks). Many pigs with high neutralisation titre could indicate that virus entered the holding more than one month before. The location of seropositive pigs in the holding can provide valuable information on how classical swine fever virus entered the holding.

However, an accurate evaluation of the results of the serological tests must be carried out taking into account the whole clinical, virological and epidemiological findings, in the framework of the enquiry to be carried out in case of suspicion or confirmation of classical swine fever, in accordance with Article 8 of Directive 2001/89/EC.

#### B. Recommended serological tests

1. The virus neutralisation test (VNT) and the ELISA are the tests of choice for the serological diagnosis of classical swine fever.

The quality and efficiency of the serological diagnosis performed by the national laboratories must be regularly checked in the framework of the inter-laboratory comparison test periodically organised by the Community Reference Laboratory.

2. The VNT is based on the determination of the virus neutralising activity of the antibodies of the serum sample, expressed as neutralising 50 % end point.

A constant amount of classical swine fever virus is incubated at 37 °C with diluted serum. For screening purposes, the sera are initially diluted 1/10. When a full titration is necessary two-fold dilutions of serum starting at 1/2 or 1/5 can be prepared. Each dilution is mixed with an equal volume of a virus suspension containing 100 infectious doses (TCID<sub>50</sub>).

After incubation the mixture is inoculated onto cell cultures which are incubated for three to five days. After this incubation period the cultures are fixed and any viral replication in the infected cells is detected by an immune labelling system. Either the neutralisation peroxidase-linked antibody (NPLA) or the neutralisation-immunofluorescence (NIF) assays may be used.

The results of the VNT are expressed as the reciprocal of the initial serum dilution at which half the inoculated cell cultures (50 % end point) fail to show viral replication (no specific labelling). A point between two dilution levels is estimated. The final dilution system is based on the actual dilution of serum during the neutralisation reaction, i.e. after addition of virus, but before adding the cell suspension.

3. The VNT is the most sensitive and reliable test to detect antibodies against classical swine fever virus. Therefore, it is recommended for the serological examination of a single animal as well as on a herd basis. However, cross-neutralising antibodies specific for ruminant pestiviruses infections of pigs may be detected by this test.

The VNT for the detection of antibodies against BVD virus and BD virus follow the same principals mentioned above and are conducted for the differential diagnosis of classical swine fever.

4. The pestiviruses strains to be used in the neutralisation tests shall be in accordance with the recommendation of the Community Reference Laboratory.
5. Several ELISA techniques using specific monoclonal antibodies have been developed, which are based on two formats: competitive or blocking ELISA and non-competitive ELISA.

The competitive or blocking ELISA is usually based on monoclonal antibodies. If the serum sample contains antibodies to classical virus, the binding of a selected peroxidase-conjugated monoclonal antibody to virus antigen will be inhibited resulting in a reduced signal.

In non-competitive ELISA the binding of serum antibodies to antigen is measured directly using peroxidase-conjugated anti-pig antibodies.

6. Quality control on sensitivity and specificity of each batch of an ELISA must be regularly performed by the national laboratories, making use of the panel of reference sera provided by the Community Reference Laboratory. This panel shall include:

- sera from pigs in the early phase of classical swine fever virus infection (before 21 days post infection);
- sera from convalescent pigs (after 21 days post infection);
- sera from pigs infected with ruminant pestiviruses.

The ELISA to be used for the serological diagnosis of classical swine fever must recognise all reference sera from the convalescent pigs. All results obtained with the reference sera must be repeatable. It is further recommended that they detect all positive sera from the early phase and to show a minimum of cross-reactions with the sera from pigs infected with ruminant pestiviruses.

The results obtained with the reference sera from pigs in the early phase of infection give an indication of the sensitivity of the ELISA.

7. The sensitivity of the ELISA is regarded as lower than that of the VNT, and it is recommended to use it as a screening test on a herd basis. However, the ELISA require less-specialised facilities and can be performed much more rapidly, thanks to automated systems, than the VNT.

The ELISA must ensure identification of all classical swine fever infections at the convalescence stage and need to be as free as possible from interference by cross-reacting antibodies to ruminant pestiviruses.

### C. Interpretation of serological results and differential diagnosis with infections due to ruminant pestiviruses (BVDV and BDV)

1. Without prejudice to the provisions of Article 4(3)(a) or Article 7(2) of Directive 2001/89/EC, in case of detection of a classical swine fever virus neutralisation titre equal to or higher than 10 ND<sub>50</sub> in serum samples collected from one or more pigs or a positive ELISA result in serum samples from a group of pigs, the measures referred to in Article 4(2) of Directive 2001/89/EC shall immediately apply or shall continue to apply in the holding in question.

The samples already collected from this holding must be re-tested by VNT by comparative end point titration of the neutralising antibodies against classical swine fever virus and ruminant pestiviruses.

2. If the comparative tests show antibodies to ruminant pestiviruses and no or evidently lower (less than three-fold) antibody titres to classical swine fever virus, the suspicion for classical swine fever shall be ruled out, unless other reasons exist which warrant the continued application of the measures referred to in Article 4(2) of Directive 2001/89/EC in the holding in question.
3. If the comparative tests show a virus neutralisation titre in more than one pig equal to or higher than 10 ND<sub>50</sub> and this titre is equal or higher than the titres to other pestiviruses, the competent authority shall ensure that classical swine fever shall be confirmed, provided that epidemiological evidence of disease has been found in the holding in question.
4. Without prejudice to the provisions of Article 4(3) of Directive 2001/89/EC, if epidemiological evidence of disease has not been found or if the results of the previous tests are inconclusive, the competent authority shall ensure that in the holding in question:
- the measures referred to in Article 4(2) of Directive 2001/89/EC shall continue to apply;
  - further investigations are carried out as quickly as possible to confirm or rule out classical swine fever, in accordance with Chapter IV.
5. However, if the further checks and tests referred to in subparagraph 4 do not allow classical swine fever to be ruled out, further blood sampling for serological testing shall be carried out in the holding after at least two weeks have elapsed from the previous checks.

In the framework of this further sampling, the pigs already sampled and tested shall be re-sampled for a comparative serological testing with the previously collected samples to detect sero-conversion for classical swine fever virus or for ruminant pestiviruses, if any.

If these further checks and tests do not allow classical swine fever to be confirmed, the measures referred to in Article 4 of Directive 2001/89/EC may be lifted.

## CHAPTER VIII

### *Discriminatory tests in case of emergency vaccination*

No suitable discriminatory tests are available to distinguish pigs vaccinated from pigs naturally infected with classical swine fever virus.



## CHAPTER IX

**Minimum safety requirements for classical swine fever laboratories**

1. The minimum requirements laid down in Table 1 must be fulfilled in any laboratory where classical swine fever virus is to be manipulated, even if only in a small amount, as required by the virus isolation and neutralisation tests. However, post-mortem examinations, processing of tissues for FAT and serology using inactivated antigen, may be carried out at a lower containment level provided that basic hygiene and post-operational disinfection with safe disposal of tissues and sera apply.
2. The additional requirements laid down in Table 1 must be fulfilled by any laboratory where procedures involving extensive multiplication of virus are carried out.
3. The requirements laid down in Table 2 must be fulfilled by any laboratory where animal experiments with classical swine fever virus are carried out.
4. In any case, all stocks of classical swine fever virus must be kept in secure storage, whether deep-frozen or freeze-dried. It is recommended that freezers and refrigerators are not used for viruses other than classical swine fever, or for other materials unrelated to classical swine fever diagnosis. All individual ampoules must be clearly labelled, and comprehensive records maintained of virus stocks together with dates and results of quality-control checks. Records must also be kept of viruses added to stock, with details of the source, and of viruses issued to other laboratories.
5. It is recommended that the bio-safe unit for classical swine fever virus work should be supported by areas where classical swine fever virus is not manipulated. These other areas should be available for the preparation of glassware and media, the maintenance and preparation of non-infected cell cultures, the processing of sera and serological testing (other than methods using live classical swine fever virus), and the provision of administrative and clerical support.

Table 1

**Principles of biological containment appropriate for diagnostic laboratories**

	Additional requirements	Minimal requirements
General environment	Normal atmospheric pressure Double HEPA filtration of exhaust air. Dedicated rooms, used exclusively for classical swine fever diagnostic procedures.	Normal atmospheric pressure. Dedicated rooms limited to defined procedures.
Laboratory clothing	Complete change of clothes on entry. Laboratory clothing used only in the classical swine fever virus unit. Disposable gloves for all manipulations of infected material. Clothing sterilised before removal from unit, or washed within unit.	Dedicated outer clothing used only in the classical swine fever virus unit. Disposable gloves for all manipulations of infected material. Outer clothing sterilised before removal from unit, or washed within unit.
Control of personnel	Entry to unit limited to named, trained personnel. Wash and disinfect hands on leaving unit. Personnel not permitted near pigs for 48 hours after leaving unit.	Entry to unit limited to named, trained personnel. Wash and disinfect hands on leaving unit. Personnel not permitted near pigs for 48 hours after leaving unit.
Equipment	Biological safety cabinet (Class I or II) used for all manipulations of live virus. Cabinet should have double HEPA filtration of exhaust air. All equipment needed for laboratory procedures to be available within the dedicated laboratory suite.	

Table 2

**Bio-safety requirements for experimental animal rooms**

	Requirements
General environment	Negative pressure controlled ventilation. Double HEPA filtration of exhaust air. Facility for complete fumigation/disinfection at end of experiment. All effluents treated to inactivate classical swine fever virus (heat or chemical).
Laboratory clothing	Complete change of clothes on entry. Disposable gloves for all manipulations. Clothing sterilised before removal from unit, or washed within unit.
Control of personnel	Entry to unit limited to named, trained personnel. Full shower on exit from unit. Personnel not permitted near pigs for 48 hours after leaving unit.
Equipment	All equipment required for animal procedures to be available within the unit. All materials to be sterilised on removal from unit or, in the case of animal samples, to be double wrapped in leakproof container which is surface disinfected for transport to the classical swine fever laboratory.
Animals	All animals to be slaughtered before leaving the unit, post mortem examinations to be completed within the bio-safe area, and carcasses incinerated on completion of examinations.