

CHAPTER I
RECRUITMENT AND APPOINTMENT

ARTICLE 1.1
Selection by the Director

The officials of the Centre shall be selected and appointed by the Director in accordance with the provisions of the Statute and of these Regulations.

ARTICLE 1.2
Filling of Vacancies

- (a) The paramount consideration in the filling of any vacancy shall be the necessity to obtain a staff of the highest standards of competence, efficiency and integrity. Due regard shall be paid to the importance of maintaining a staff selected on a wide geographical basis. Officials shall be selected without distinction as to race, creed or sex, nor shall there be any discrimination on account of a disability of a candidate who meets the qualifications required. Every official shall be required to possess a fully satisfactory knowledge of one of the working languages of the Centre.
- (b) Transfer in the same grade, promotion or appointment by direct selection by the Director shall be the normal method of filling vacancies:
- of grade P.5 and above;
 - in the Office of the Director;
 - of a specialized purely temporary nature, up to two years, any extension beyond two years being subject to Article 1.2 (c).

The Director may in such cases, at his/her discretion and after consulting the Selection Committee, decide on the use of one or other of the methods of filling vacancies referred to in Article 1.2 (c).

- (c) The method of filling any other vacancy below the grade of P.5 shall be decided by the Director after consulting the Selection Committee. The methods to be employed shall comprise transfer in the same grade, promotion or appointment normally by competition. Promotion or appointment without competition may be employed only in:
- filling vacancies caused by upgrading of a job by one grade, or in the case of a job upgraded from the General Service to the Professional category by one grade or more;
 - filling vacancies in urgency;
 - filling vacancies linked to specific training projects of a fixed-term duration, of one year or more, it being understood that the appointment will not exceed the duration of the project;
 - filling other vacancies where it is impossible to satisfy the provisions of Article 1.2 (a) above by the employment of any other method.

In case of urgency the Selection Committee may be required to make a recommendation on the method of filling a vacancy not later than ten working days after being apprised of the vacancy. If the Selection Committee is unable to make a recommendation within this period, the Director may decide, at his/her own discretion, the method of filling the vacancy.

- (d) In filling any vacancy account shall be taken, in the following order, of:
- (1) applications from former officials whose appointments were terminated in accordance with the provisions of Article 13.5 (Termination on Reduction of Staff);
 - (2) applications for transfer;
 - (3) claims to promotion;
 - (4) if the Selection Committee agrees, applications from former officials other than those who have been discharged or summarily dismissed;
 - (5) on a reciprocal basis, applications from officials of the United Nations, Specialized Agencies, or the Registry of the International Court of Justice.
- (e) This Article shall be applied in accordance with the provisions of Annex H.

ARTICLE 1.3
Advertising of Vacancies

Vacancies at grades P.4 and under will be advertised as widely as possible and will be notified to the staff.

ARTICLE 1.4
General Service Category

- (a) Vacancies in the General Service category shall, as far as possible, be filled by locally recruited officials. Only when it is not otherwise possible to secure qualified persons, are staff members recruited outside the local area, and recruitment in that case is then confined to the nearest area providing a source of qualified staff.
- (b) A locally recruited official in the General Service category shall, for the purpose of these Regulations, be defined as an official, irrespective of nationality, who at the time of his/her appointment has been residing for at least one year in Italy, provided that Italian nationals shall be treated as locally recruited, irrespective of the duration of such residence.
- (c) A non-locally recruited official of the General Service category who acquires voluntarily (other than by marriage) the nationality of the country of the duty station shall be reclassified as locally recruited, and his/her entitlement to any of the following allowances and benefits shall thereupon cease: non-resident allowance, education grant, home leave travel expenses, repatriation grant, travel expenses upon termination (including removal of household goods and personal effects).¹

¹ Effective as from 06.11.1989

ARTICLE 1.5
Definition of Home

- (a) An official's home, for the purpose of these Regulations, shall be determined by the Director at the time of his/her appointment. Unless there are compelling reasons to make an exception an official's home shall be deemed to be in the country of which s/he is a national at the time of his/her appointment. An official's home shall remain unchanged for the duration of his/her service unless the Director decides, after consulting the Joint Negotiating Committee, that there are compelling reasons for permitting a change.
- (b) Notwithstanding (a) above, the home of an official of the General Service category who has been locally recruited as defined in Article 1.4 (General Service Category) shall be deemed to be at the duty station.

ARTICLE 1.6
Contract of Employment

- (a) The terms of employment of an official shall be governed by a contract which shall consist of an offer of appointment signed by the Director or a representative of the Director authorized for the purpose, and a declaration of acceptance signed by the official.
- (b) The offer of appointment shall state:
 - (1) that the appointment is subject to the provisions of these Regulations;
 - (2) the type and duration of the appointment;
 - (3) the category, grade and salary pertaining to the appointment and, where appropriate, the incremental rate and the maximum salary attaching to the grade;
 - (4) the date upon which it is proposed that the appointment becomes effective; and
 - (5) any special conditions.
- (c) The offer of appointment shall call attention to the provisions of Article 1.9 (Medical Examination prior to Appointment).
- (d) A copy of the Staff Regulations and a declaration of acceptance to be signed by the official shall be transmitted together with the offer of appointment.
- (e) The date upon which the appointment is effective shall be confirmed by a notification when the official enters upon his/her duties.

ARTICLE 1.7
Amendment of Contract of Employment

The terms of any contract of employment may be modified, without prejudice to the acquired rights of the official, by the Director in order to bring them into conformity with any measure relating to the conditions of employment of officials which the Board of the Centre may decide to apply to serving officials.

ARTICLE 1.8
Effective Date of Appointment

The appointment of a non-locally recruited official shall date from the day on which the official leaves his/her place of residence to take up his/her assignment by a route and means of transport approved by the Director, account being taken of any time spent en route by the official in excess of the normal time for the journey. The appointment of a locally recruited official shall date from the day on which s/he actually enters upon his/her duties.

ARTICLE 1.8 bis
Period of Appointment

- (a) Appointments without limit of time shall be subject to good conduct, satisfactory performance as consistently reflected in several performance appraisal reports, seniority, as well as the official's capacity to pursue a career having regard to his/her field of competence and the prospective needs of the Centre. Such appointments shall be made in accordance with the procedure established by the Director, after consulting the Joint Negotiating Committee.
- (b) Appointments for a fixed-term shall be of not less than one year and not more than five years. While a fixed-term appointment may be renewed, it shall carry no expectation of renewal or of conversion to another type of appointment, and shall terminate without prior notice on the termination date fixed in the contract of employment.

ARTICLE 1.9
Medical Examination prior to Appointment

No appointment shall be made under these Regulations before the Medical Adviser has certified whether the person concerned is in good health and free from any defect likely to interfere with the discharge of his/her duties.

ARTICLE 1.10
Reappointed Officials

A former official, on reappointment, shall be regarded, for the purpose of these Regulations, as becoming an official for the first time, provided that the Director may make exceptions to this rule in the case of former officials who are reappointed under Article 13.5 (a) and (b) (Termination on Reduction of Staff).

ARTICLE 1.11
Personal Files

A personal file shall be established and maintained for each official. This file shall include:

- (1) documents relating to the official's appointment;
- (2) documents relating to his/her transfer or promotion;
- (3) documents of an official character and official reports relating to his/her competence, efficiency or official conduct, provided that such documents shall be included in the file only after they have been initialled by the official;
- (4) any observations which the official may have made on the official reports on his/her work, unless the Director decides that such observations shall not be so filed;
- (5) any other documents relating to measures officially taken or considered in connection with the official.

Personal files shall be confidential. An official may consult his/her personal file in the office where it is kept.