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Service Regulations for Locally Recruited Managerial Staff of the European Schools

Approved by the Board of Governors at its Meeting on 14 – 17 April 2020

Amended by:

1. Decision of the Board of Governors of 12-14 April 2023 – Document 2023-04-D-2-en-2
2. Decision of the Board of Governors (Written procedure N° 2023/20, initiated on 1 June 2023, ended on 9 June 2023) – Document 2023-05-D-28-en-1
3. Decision of the Board of Governors (Written procedure N° 2023/46 on 22 December 2023 - Document 2023-12-D-9-en-2

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**Service Regulations for Locally Recruited Members of the Managerial Staff
of the European Schools**

THE BOARD OF GOVERNORS OF THE EUROPEAN SCHOOLS

having regard to Article 12.1 of the *Convention defining the Statute of the European Schools* of 21 June 1994,

intending to ensure that the rules applicable to locally recruited members of the managerial staff are in line with fundamental rights as laid down in the *Charter of Fundamental Rights of the European Union*,

HAS ADOPTED THESE SERVICE REGULATIONS:

Chapter I

General provisions

Article 1

General principle

Managerial and executive administrative posts created by the Board of Governors and shown in the organigram shall be held as a matter of priority by members of the seconded staff. In case no qualified candidates for secondment have been presented, the post can be filled on a permanent or a temporary base by a locally recruited member of staff.

Article 2

Scope

These Service Regulations, adopted by the Board of Governors pursuant to Article 12 of the Convention defining the Statute of the European Schools, shall apply to all staff members referred to in Article 4 point 3.

Article 3

Legal status applicable

1. Locally recruited members of the administrative managerial staff of the European Schools are part of the management team and shall be subject to these Service Regulations, which apply within the framework of the legislation of the host country. The effect of application of these Service Regulations may not be to deprive those members of staff of the protection afforded to them by the 'mandatory provisions' of the host country. If there is any contradiction between the terms of these Service Regulations and the legislation of the host country, it is the latter which shall prevail.
2. For the purpose of these Service Regulations, 'mandatory provisions' shall mean provisions which the binding law of the host country does not allow to be breached by agreement between parties as well as collective agreements in their respective valid version listed in Annex 2.

Article 4

Definitions

For the purpose of these Service Regulations, the meaning of the terms listed below shall be as follows:

1. 'Statute of the European Schools': the Convention of 21 June 1994 defining the Statute of the European Schools;
2. 'European School' or 'School': any educational establishment whose setting up is decided by the Board of Governors on the basis of the Statute of the European Schools and the Office of the Secretary-General of the European Schools;
3. 'Locally recruited member of the managerial staff': locally recruited Deputy Directors for Finance and Administration as referred to in Article 6 (a) and 11 of the Regulations for Members of the Seconded Staff of the European Schools and Managerial Staff as referred to in Article 6 (c) of the Regulations for Members of the Seconded Staff of the European Schools.
4. 'Management': the Secretary-General of the European Schools and/or Director of a European School;
5. 'Contract': the agreement concluded between the European Schools and the locally recruited member of the managerial staff;
6. 'Members of the seconded staff': persons coming under the Regulations for Members of the Seconded Staff of the European Schools.

Article 5

Implementation

1. The Directors and the Secretary-General shall be responsible for the application of these Service Regulations within the scope of their respective competence.
2. The Secretary-General of the European Schools shall guide the Directors in implementing and applying these Service Regulations.
3. Locally recruited members of the managerial staff employed at the Office of the Secretary-General of the European schools shall be under the authority of the Secretary-

General. They shall be accountable to the Secretary-General for performance of the duties assigned to them in conformity with these Service Regulations and their contract.

4. Locally recruited Deputy Directors for Finance and Administration shall be under the authority of the Director with respect to the carrying out of their assignment and the operation of the School. They shall be accountable to the Director for performance of the duties assigned to them in conformity with these Service Regulations, the Article 11 of the Regulations for Members of the Seconded Staff and their contract.

Chapter II

Recruitment and conclusion of contracts

Article 6

Recruitment pre-conditions

1. Administrative managerial staff as defined in Article 4.3 of this Service Regulations shall only be recruited locally in case no qualified candidate for secondment can be appointed.

Before opening the function for local recruitment, the function must have been published for secondment at least once.

2. Paragraph 1 does not apply in case of a temporary replacement of a member of the administrative managerial staff.

Article 7

Recruitment procedure

1. The job offer shall be published on the website of the Office of the Secretary-General and the School concerned and in national or international media at least two weeks before the selection of the candidates. In addition, the job offer shall be circulated among the schools.

2. The job offer shall contain the following information:

- the nature of the duties,
- the number of weekly hours,
- where applicable, a reference to the probationary period,
- the requirements to perform the duties,
- the place of work,
- where applicable, the intention to constitute a reserve list for future recruitment and

- the method of application.

3. During the selection procedure all candidates are treated equally.
4. No distinction shall be made on the basis of personal factors when they have no connection with the post or the nature of the undertaking. Thus, the employer may, in particular, not make a distinction on the basis of age, sex, marital status, medical history, race, colour, national or ethnic ancestry or origin, political or philosophical convictions, sexual orientation or a disability.
5. All information concerning the candidate shall be treated confidentially.
6. Candidates whose applications have not been successful shall be informed in writing by the Director within 20 working days after the finalisation of the recruitment procedure.

Article 8

Qualifications and other requirements

1. Prior to the conclusion of a contract, a locally recruited member of the managerial staff shall prove by supporting documents that he/she has the qualifications required for the function for which he/she is to be recruited and shall meet the requirements specified in the relevant job offer.
2. He/she produces the appropriate character references as to his/her suitability for the performance of his/her duties in form of an official document.
3. Prior to the conclusion of a contract, and unless otherwise foreseen by binding national law, a candidate shall be required to produce a medical certificate of fitness, issued no more than three months previously by a doctor, testifying to the fact that his/her state of health neither impedes him/her to take up his/her duties.

The costs incurred by the candidate for requesting the certificate shall be reimbursed.

Article 9

Conclusion of contract

1. The recruitment of a locally recruited member of the managerial staff shall involve the signing of a written contract, whereby the staff member undertakes to adhere to the provisions of these Service Regulations.

2. The following must be mentioned in the contract:

- a) the name and address of the contracting parties;
- b) the date on which the member of staff is to take up the post;
- c) the duration of the contract;
- d) the place of work;
- e) the duties and responsibilities carried by the post to be filled;
- f) the grading in the occupational category and the remuneration carried;
- g) the weekly hours;
- h) the probationary period provided for in Article 11 where applicable;
- i) the period of notice required for termination of employment;
- j) the applicability of these Service Regulations.

3. Locally recruited members of the managerial staff shall begin to perform the duties assigned to them on the date their contract enters into force. In any event, they may not take up his/her duties before signing the contract.

4. The School provides the locally recruited member of the managerial staff with a copy of these Service Regulations, a copy of the General Rules of the European Schools and – where applicable – with a copy of any other additional internal rules before signing the contract. Instead of a copy also a reference of the electronic version of the rules can be provided.

Chapter III

Period of employment

Article 10

Length of contract

1. The contract of employment shall be drawn up in writing for an indefinite period in the case of permanent staff and for a fixed period in the case of a temporary replacement.
2. The law of the host country will apply in the event of successive renewals of a fixed-term contract.

Article 11

Probationary period

Notwithstanding binding national law and without prejudice to Article 32.3 of these Service Regulations, the contract shall foresee a probationary period of one year.

Article 12

End of the contract

The contract of employment shall end in the circumstances and under the conditions provided for by the legislation of the host country.

Chapter IV

Rights and obligations

Article 13

Representation

1. Locally recruited members of the managerial staff are represented by the representatives of the Administrative and Ancillary Staff (AAS) referred to in Article 15 of the Regulations for Members of the Administrative and Ancillary Staff of the European Schools.
2. These staff members with at least a two-year contract and in the service for more than six months shall be entitled to vote. They are not entitled to stand for election.

Article 14

Right of association

Locally recruited members of the managerial staff shall be entitled to exercise the right of association; they may in particular be members of trade unions or professional associations and may hold office.

Article 15

Professional development

The management shall facilitate such further professional development of locally recruited members of the managerial staff as is compatible with the requirements of the proper functioning of the service.

Article 16

Evaluation

1. Locally recruited Deputy Directors for Finance and Administration shall be evaluated in line with the Implementing Rules for the Performance Assessment of Deputy Directors for Finance and Administration of the European Schools.
2. Other locally recruited members of the managerial staff shall be evaluated before the end of the first year of service. Subsequent reports shall be produced every two years.

Article 17

Personal file

For each locally recruited member of the managerial staff a personal file has to be established in line with the requirements established in Annex 3 of these Service Regulations.

Article 18

External professional activities

1. Locally recruited members of the managerial staff shall be free to engage in other external professional activities provided that these are compatible with the proper performance of the duties assigned to them in conformity with their contract.
2. They shall notify their professional activities and shall ask the management for prior authorisation. The authorisation will be given provided that the locally recruited managerial staff member will not engage in business or in any employment or activity that may conflict with the interests of the service. Where the staff member finds himself/herself in a situation of conflict of interests or notices the possibility thereof, he/she shall immediately notify it to the management.

Article 19

Obligation of loyalty, integrity and confidentiality

1. Locally recruited members of the managerial staff shall perform their duties and conduct themselves solely in the interests of the service, in accordance, in particular, with the instructions laid down in the General Rules of the European Schools.
2. Locally recruited members of the managerial staff shall abstain from any action and, in particular, any public expression of opinion which may reflect on their position and impair their ability to maintain their duty of loyalty towards the European Schools.
3. After termination of their service locally recruited member of the managerial staff shall exercise the greatest discretion with regard to all facts and information which came to their knowledge in the course of or in connection with the performance of their duties.

Article 20

Information

Locally recruited members of the managerial staff shall supply to the management all information relevant to their rights and obligations under these Service Regulations. Where there is any change to the circumstances as notified at the time of recruitment or thereafter, they shall inform the management without delay.

Article 21

Obligation of residence

Locally recruited members of the managerial staff shall reside at no greater distance from the location of the entity in which they are employed than is compatible with the proper performance of their duties.

Article 22

Other obligations

A locally recruited member of the managerial staff may be required to make good, in whole or in part, any damage suffered by the Office of the Secretary-General respectively the Schools as a result of misconduct on his/her part when performing his/her tasks in the interest of the service.

Chapter V

Duties and working conditions

Article 23

Hours of work

1. Full-time members of the locally recruited managerial staff shall normally work a 40-hours week unless this contradicts with binding national law.
2. Without prejudice to 1 above, the management may decide, after consulting the party concerned, to adjust the allocation of working hours of an individual employee in order to bring it into line with local practice and the needs of the school and to draw up certain timetables to reflect the duties to be performed.
3. A locally recruited member of the managerial staff may be required, at the management's request, to work overtime outside normal working hours in emergencies or in the event of exceptional pressure of work in accordance with binding national law. This overtime will not be remunerated unless foreseen by binding national law.

Article 24

Leave

1. Locally recruited members of the managerial staff shall be entitled to an annual leave of 30 working days per calendar year. In addition, they are entitled to the official holidays of the European Commission. The management, after hearing the representative of the AAS Committee of the School, will determine the arrangements for implementation of this provision in accordance with the needs of the school and with the General Rules of the European Schools.
2. Leave because of sickness or accident, maternity, paternity or adoption leave and leave to fulfil statutory military/civil obligations, and any other special leave on the occasion, for instance, of family events, shall be granted in accordance with the rules applicable in the host country.
3. Paid training leave may be granted to a locally recruited member of the managerial staff to enable attendance at the further professional training courses.
4. Leave on personal grounds may, in exceptional circumstances and at the request of the member of the locally recruited member of the managerial staff, be granted for a

maximum period of one year, if the interests of the service are not adversely affected. The member of staff has to respect a period of notice of a minimum of three months.

Subject to the same conditions and in line with mandatory provisions of national law, such leave may be prolonged for two further periods.

During this period of leave the member of staff concerned shall not be paid or receive any related benefits and his/her career advancement shall be suspended.

Article 25

Sickness and accident

Notwithstanding the provisions regarding payments under the social security scheme applicable according to the national law of the hosting Member State, the following provisions apply:

- in the event of their being unable to perform their duties as a result of sickness or accident, locally recruited members of the managerial staff shall immediately inform the management thereof;
- the staff member shall produce a medical certificate stating the probable period of incapacity, if he/she is absent for more than two days. The management shall be empowered to check on absences, in particular by referring the person concerned to a medical officer.

Chapter VI

Emoluments

Article 26

Remuneration

1. The pay rates applicable to locally recruited members of the managerial staff recruited after 30 April 2020 shall be those appearing in the relevant entries in Annex 1.
2. The pay rates applicable to locally recruited member of the managerial staff recruited before 1 May 2020 shall be those referred to in their contract unless locally recruited staff members concerned opt for the application of these Service Regulations in full including Annex 1. In this case the locally recruited member of the managerial staff will inform the Director in writing.
3. The remuneration of a locally recruited member of the managerial staff shall be expressed in euro. The amount of remuneration shall be rounded off to the nearest euro cent above.

The remuneration shall be paid to the locally recruited member of the managerial staff at the place and in the currency of the country where he carries out his duties or, at the request and – if applicable – at charge of the member of the staff, in euros in a bank within the European Union.

Remuneration paid in a currency other than the euro shall be calculated on the basis of the exchange rate applied for the remuneration of officials of the European Union.

4. Adjustments of the remuneration of locally recruited members of the managerial staff shall follow the adjustment applicable to members of the Administrative and Ancillary Staff as referred to in Annex 4 of the Service Regulations for Administrative and Ancillary Staff.

Article 27

Increments

Locally recruited members of the managerial staff recruited after 30 April 2020 and locally recruited members of the managerial staff who opt in accordance with Article 26.2 for an application of Annex 1 shall be paid as of 1 May 2020 on a salary scale comprising twelve steps.

Article 28

Initial step

1. The step at which a locally recruited member of the managerial staff is placed on the scale relating to his/her occupational category shall be that corresponding to the number of years of relevant professional experience to his/her credit, as follows.

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

2. The number of years of relevant professional experience shall be determined by the Secretary-General in accordance with the arrangements laid down in Annex 4 of these Service Regulations.

3. No member of staff may be placed higher than the 7th step on the scale in question on appointment.

4. Notwithstanding paragraph 3, locally recruited members of the managerial staff recruited before 1 May 2020, who opt for an application of Annex 1 in accordance with Article 26.2, are placed as of that moment on the step of the scale corresponding to their relevant professional experience determined in accordance with paragraph 1 and 2 at that time.

5. Locally recruited members of the managerial staff recruited after 30 April 2020 and those who opt for an application of Annex 1 in accordance with Article 26.2 shall advance to the next step in the scale corresponding to their occupational category every two years on condition that the results of the evaluation carried out in conformity with Article 16 are not negative within the meaning of the applicable implementing guidelines.

6. This two-year progression shall continue until the last step in their occupational category is reached.

Article 29

Emoluments

In accordance with the chapter and save as expressly provided otherwise, a locally recruited member of the managerial staff shall be entitled to the remuneration carried out by his/her grade and step. The remuneration shall comprise only:

- a) the basic salary as laid down for each grade and each step, determined by the Secretary-General in accordance with Article 28 of these Service Regulations;
- b) where applicable, payment of overtime in accordance with Article 23 of these Service Regulations;
- c) allowances as laid down in these Service Regulations or in 'mandatory provisions' of the host country as defined in Article 3.2 of these Service Regulations.

Article 30

Removal costs

1. A locally recruited member of the managerial staff recruited for a minimum period of one year shall, as provided in Article 59 and Article 62 of the Regulations for Seconded Staff Members of the European Schools, be entitled to a lump sum compensation for the expenses caused by the removal to the place of the school unless the contract ends within the first 12 months due to circumstances lying in the responsibility of the locally recruited member of the managerial staff.
2. A locally recruited member of the managerial staff who changes to another European School in another city following the mobility approach defined in Article 32 of these Service Regulations will be entitled to the provision of the lump sum compensation for his removal expenses in accordance with Article 62 of the Regulations for Seconded Staff Members of the European Schools.

Article 31

Installation allowance

1. A locally recruited member of the managerial staff employed on a full time basis and with a contract for an indefinite period who furnishes evidence of having been obliged to change his/her place of residence and of having actually settled at his/her place of employment in order to comply with Article 21 of these Service Regulations shall be entitled

(a) to an installation allowance equal to two months' basic salary if he/she fulfils the legal requirements of Article 53.2 of the Regulations for Members of the Seconded Staff of the European Schools;

(b) to an installation allowance equal to one month's basic salary if he/she does not fulfil the legal requirements of Article 53.2 of the Regulations for Members of the Seconded Staff of the European Schools or whose family does not settle at the place of the service.

2. The allowance shall be paid at the time of installation on production of documents establishing the fact that the locally recruited member of the managerial staff has actually settled at the place of service.

3. The locally recruited member of managerial staff in receipt of installation allowances shall declare immediately allowances of like nature to which his/her spouse is entitled. Such latter allowances shall be deducted from the installation allowance paid to him/her.

In cases where the locally recruited member of the managerial staff and his/her spouse are both employed in the service of the European Schools and both are entitled to the installation allowance, this shall be payable only to the person whose basic salary is the higher.

4. The installation allowance shall be calculated by reference to the locally recruited member of the managerial staff's marital status and salary on the date of his/her recruitment.

5. A locally recruited member of the managerial staff who on recruitment has received an installation allowance and whose contract ends within the first 12 months due to circumstances lying in his/her responsibility shall, on leaving the service, refund half of the allowance.

6. A locally recruited member of the managerial staff who changes to another European School in another city following the mobility approach defined in Article 32 of these Service Regulations will be entitled to the installation allowance in accordance with paragraph 1 to 5 of this Article.

Article 32

Mobility

1. The mobility of locally recruited members of the managerial staff is promoted.
2. A locally recruited member of the managerial staff changing the employer in the frame of this Article signs with his/her new employer a new contract. At the same time the contract with his/her previous employer will have to be terminated.
3. The contract with the new employer will not foresee a probationary period.
4. A locally recruited member of the managerial staff who changes the employer within the European Schools without interrupting the service will keep his/her seniority with respect to the progression in steps in accordance with Article 28.

Article 33

School fees

1. Locally recruited members of the managerial staff employed on a half-time basis or more shall be entitled to admission to the European Schools for their children and shall qualify for exemption from the corresponding school fees. In the case of a member of staff employed on a less than half-time basis, the exemption shall be proportional to his/her working hours. In the event of redundancy, the Administrative Board will consider exemption from school fees for the child(ren) attending the European School of the member of staff who has been made redundant.
2. The present Article shall not give entitlement to any compensation in cases where a child of a locally recruited member of the managerial staff is enrolled in a school other than one of the European Schools.

Article 34

Mission expenses

1. A locally recruited member of the managerial staff travelling on mission and holding an appropriate travel order shall be entitled to reimbursement of travel expenses in accordance with the provisions laid down in the Regulations for Members of the Seconded Staff of the European Schools.
2. The participation in a mission shall not entitle a locally recruited member of the managerial staff to any further compensation.

Article 35

Travel expenses

1. A locally recruited member of the managerial staff shall be entitled in accordance with Article 60.2 of the Regulations for Seconded Staff Members of the European Schools to the reimbursement of travel expenses for himself/herself, his/her spouse and his/her dependants actually living in his/her household on taking up his/her appointment, from the place of origin to the place of the school.

2. A locally recruited member of the managerial staff who changes the employer within the European Schools following the mobility approach defined in Article 32 of these Service Regulations will be entitled to the reimbursement of travel expenses in accordance with paragraph 1 of this Article.

Article 36

Overpayments

1. Any sum overpaid shall be recovered if the recipient was aware that there was no due reason for the payment or if the fact of the overpayment was patently such that he/she could not have been unaware of it.
2. Where the sum to be recovered exceeds one twelfth of the annual remuneration paid to the locally recruited member of managerial staff or under other exceptional circumstances, it may be paid in instalments agreed between the member of staff and the management.

Chapter VII

Social security and taxes

Article 37

Social security and taxes

Locally recruited member of the managerial staff shall be members of the social security scheme of the employer's host country in force in this area. Their remuneration shall be subject to national tax legislation.

Chapter VIII

Legal proceedings

Article 38

Misconduct

Any failure by a locally recruited member of the managerial staff to comply with his/her obligations under these Service Regulations, whether intentionally or through negligence on his/her part, shall make him/her liable to action in accordance with national law.

Article 39

Internal procedure

1. Any decision under these Service Regulations relating to a specific individual shall be communicated in writing to the locally recruited member of the managerial staff concerned. Any decision adversely affecting a locally recruited member of the managerial staff shall state the grounds on which it is based.
2. A locally recruited member of the managerial staff may submit to the management a request that he/she take a decision in respect of him/her within three months of submission of the request. If at the end of the aforementioned period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it.

Article 40

Recourse to law

1. The judges or courts of the host country shall have sole jurisdiction in any dispute between the management and locally recruited members of the managerial staff regarding the legality of an act implementing these Service Regulations adversely affecting them.

2. Contentious appeals within the meaning of this article shall be investigated and judged in accordance with the rules of the host country. These rules shall also apply to the expenditure incurred in these proceedings.

Chapter IX

Final provisions

Article 41

Final provisions

1. These Service Regulations shall enter into force on 1 May 2020.
2. They shall apply in full from that date to all locally recruited members of the managerial staff concluding a contract for an indefinite period or a fixed term contract as of that date.
3. They shall apply in full to all locally recruited members of the managerial staff with contracts for an indefinite period of time concluded before that date provided that they opt for the application of these Service Regulations in line with Article 26 of these Service Regulations. In this case their contract will be amended accordingly.
4. These Service Regulations shall not apply to locally recruited members of the managerial staff with contracts concluded before that date who do not opt for the application of these Service Regulations in line with Article 26 of these Service Regulations. These staff members maintain their rights provided in their contract of employment.
5. The changes related to the place of payment of the remuneration under Article 26.3 enter into force on 1 January 2024.
6. These Service Regulations shall be drawn up in the languages of the host countries of the European Schools. The text in the language of the host country will be authentic in that country.

**Salary scales for locally recruited members of the managerial staff
of the European Schools recruited
after 30 April 2020**

Belgium

Cat	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Value of step	month
HoU	12.500	12.775	13.050	13.325	13.600	13.875	14.150	14.425	14.700	14.975	15.250	15.525	275	12.9
DDF&A	10.750	11.000	11.250	11.500	11.750	12.000	12.250	12.500	12.750	13.000	13.250	13.500	250	12.9

Germany

Cat	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Value of step	month
DDF&A	9.250	9.500	9.750	10.000	10.250	10.500	10.750	11.000	11.250	11.500	11.750	12.000	250	12.9

Italy

Cat	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Value of step	month
DDF&A	9.985	10.302	10.619	10.935	11.252	11.569	11.885	12.202	12.518	12.835	13.152	13.468	317	13.0

Luxembourg

Cat	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Value of step	month
DDF&A	10.250	10.500	10.750	11.000	11.250	11.500	11.750	12.000	12.250	12.500	12.750	13.000	250	13.0

Netherlands

Cat	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Value of step	month
DDF&A	9.500	9.750	10.000	10.250	10.500	10.750	11.000	11.250	11.500	11.750	12.000	12.250	250	13.0

Spain

Cat	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Value of step	month
DDF&A	6.750	7.000	7.250	7.500	7.750	8.000	8.250	8.500	8.750	9.000	9.250	9.500	250	14.0

List of collective agreements as referred to in Article 3.2

1. Provisions of collective agreements applicable at the schools in Germany:

- §§ 20 und 25 des Tarifvertrages für die Angestellten des öffentlichen Dienstes des Bundes (TVöD-Bund)
- § 2 (2) des Tarifvertrages über die betriebliche Altersversorgung der Beschäftigten des öffentlichen Dienstes (Tarifvertrag Alterversorgung – ATV)

2. Provisions of collective agreements applicable at the school in Italy

- CCNL per i dirigenti di aziende des Terziario, della Distribuzione e dei Servizi
- Statuto dei Lavoratori (legge 20/05/1970 n.300)

3. Provisions of collective agreements applicable at the school in the Netherlands:

- 2. and 4. of Collectieve Arbeidsovereenkomst voor het voortgezet onderwijs (CAO-VO)
- 2.1.1 and 3.8.6 of Collectieve Arbeidsovereenkomst voor het primair (CAO-PO) and 3.9 of the Toelichting op enkele artikelen van de CAO-PO.

Content of the administrative and management of personal data files

1. There is an individual file managed by the Director of the School to which the member of staff is assigned and/or by the Office of the Secretary-General. It may be a physical file or an electronic file.
2. Content of the file
 - 2.1. This file contains all documents relating to the general administrative situation of the member of staff, excluding any reference to his/her political, philosophical or religious views,
 - 2.2. Any information which is necessary for implementation of these Service Regulations to the member of staff or of the contract concluded with him/her may be included, and in particular:
 - copies of birth certificates, official records relating to civil status, residence certificates;
 - application, curriculum vitae, letter of motivation, copies of diplomas, training certificates, substantiating documents testifying to an additional professional qualification, attendance at in-service training courses and all other career and training documents supplied by the member of staff;
 - official documents attesting to the fact that the member of staff has no criminal convictions in certain areas when the rules and regulations of the European Schools relating to child protection or the legislation or of the School's host country authorise or impose production of such documents;
 - the vacancy advertisement, the job description, the contract and any amendments thereto;
 - any document produced by the member of staff and necessary for implementation of these Service Regulations or the contract;
 - any official document, report or internal memo concerning evaluation and any official document, report or internal memo concerning his/her competence and his/her efficiency in performing his/her duties;
 - the annual list of absences and of special leave;
 - pay or salary slips, financial and tax documents, statements of account and calculation of the allowances awarded to the member of staff;
 - any disciplinary measure decided and the file relating thereto;
 - any request made by the member of staff to the Director, to the Administrative Board or to the Secretary-General, any decision taken on this request, any judicial remedy sought, or administrative or contentious appeal lodged, and the decisions taken following these actions;
 - any application for promotion and the action taken thereon;
 - medical data likely to influence the daily work of the member of staff, the data required for the purposes of preventive medicine, occupational medicine or assessment of the member of staff's fitness for work;

- any clarification from the member of staff connected with one of the aforementioned documents.

3. Procedure and rights of the person concerned.

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

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

Provisions implementing Article 28 of the Staff Regulations pertaining to determination of the entry level step on the scale

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

Responsibility for determination of the entry level step on the scale shall lie with the Secretary-General

The following shall be taken into account for the purposes of determining the number of years of relevant professional experience:

- any duly certified professional activity, provided that it is directly connected with the nature of the post to which the member of staff is appointed;
- years of compulsory military service.

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

A given period may be counted only once.

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

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