

**PREPARATORY COMMISSION FOR THE
INTERNATIONAL RENEWABLE ENERGY AGENCY**

Fifth Session

Abu Dhabi, 3 April 2011

Agenda item 5

Draft decision on the Staff Regulations for the International Renewable Energy Agency

The Preparatory Commission for the International Renewable Energy Agency, at its fifth session,

Recalling that paragraph 10 (e) of the Resolution on Establishing a Preparatory Commission for the International Renewable Energy Agency (IRENA) mandated the Commission to prepare documents concerning recruitment of staff;

Having considered the text of the draft Staff Regulations for IRENA annexed hereto;

1. *Endorses* the text of the draft Staff Regulations for IRENA annexed hereto;
2. *Decides* to submit the draft Staff Regulations for IRENA annexed hereto for approval by the Assembly at its first session.

**DRAFT STAFF REGULATIONS FOR THE
INTERNATIONAL RENEWABLE ENERGY AGENCY**

Article 1

SCOPE AND DEFINITIONS

Regulation 1.1

Scope

The Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of the Secretariat of the International Renewable Energy Agency. They represent the broad principles of human resources policy for the staffing and administration of the Secretariat. The Staff Regulations apply to all staff at all levels, including the Director-General.

Regulation 1.2

Definitions

For the purpose of the present regulations, the following definitions shall apply:

- (a) “Agency” means the International Renewable Energy Agency (IRENA);
- (b) “Statute” means the Statute of the Agency;
- (c) “Assembly” means the supreme organ of the Agency, as set out in Article IX of the Statute;
- (d) “Members” means States and regional intergovernmental economic integration organizations as set out in Article VI of the Statute;
- (e) “Director-General” means the head and chief administrative officer of the Agency, as set out in Article XI paragraph (B) of the Statute;
- (f) “Secretariat” means the Secretariat of the Agency, as set out in Article XI of the Statute;
- (g) “Staff” means all staff members of the Secretariat who serve under a letter of appointment subject to the present regulations and who have been appointed by the Director-General under Article XI of the Statute;
- (h) “Staff Rules” means the rules issued by the Director-General to implement the Staff Regulations;
- (i) “United Nations common system standards” means the United Nations common system of salaries, allowances and benefits.

Article 2

DUTIES, OBLIGATIONS, RIGHTS AND PRIVILEGES

Regulation 2.1

Status of staff

Staff members are international civil servants. Their responsibilities as staff members are not national but exclusively international.

Regulation 2.2

Responsibilities of the Director-General

(a) The Director-General shall ensure that the rights and duties of staff members, as set out in the Statute, the Staff Regulations and Rules and the relevant resolutions and decisions of the Assembly, are respected.

(b) The Director-General shall seek to ensure that, in accordance with Article XI paragraph C of the Statute, the paramount consideration in the employment of staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity.

Regulation 2.3

Privileges and immunities

(a) Any privileges and immunities enjoyed by the Agency in respect of its staff members are conferred in the interests of the Agency, not for the personal benefit of the staff concerned. These privileges and immunities furnish no excuse for failure by staff members to observe the applicable laws and police regulations of the State in which they are located, or for non-performance of their private obligations.

(b) In any case where an issue arises regarding the application of privileges and immunities, the staff member concerned shall immediately report the matter to the Director-General, who shall decide whether there is immunity and, if so, whether it should be waived.

(c) In the case of the Director-General, the Assembly shall have the right to waive immunities.

Regulation 2.4

Core values

(a) Staff members shall uphold and respect the principles set out in the Statute and in the Charter of the United Nations, including faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women. Consequently, staff members shall exhibit respect for all cultures; they shall not engage in harassment or discrimination against any individual or group of individuals and those in a position of authority shall not abuse the power and authority vested in them.

(b) Staff members shall uphold the highest standards of efficiency, competence and integrity. The concept of integrity includes, but is not limited to, probity, impartiality, fairness, honesty and truthfulness in all matters affecting their work and status.

(c) Staff shall conduct themselves at all times in a manner consistent with the Agency's Code of Conduct, which shall be promulgated by the Director-General as an annex and integral part of to the Staff Rules in accordance with Regulation 13.3.

Regulation 2.5

General rights and obligations

(a) Staff members are subject to the authority of, and accountable to, the Director-General, including his or her decisions on assignment to any of the activities or offices of the Agency. In exercising this authority, the Director-General shall seek to ensure, having regard to the circumstances, that all necessary safety and security arrangements are made for staff carrying out the responsibilities entrusted to them.

(b) In the performance of their duties, staff members shall neither seek nor receive instructions from any Government or from any other source external to the Agency.

(c) By accepting appointment, staff members pledge themselves to discharge their functions and regulate their conduct with the interests of the Agency only in view and to advance its objectives as set out in the Statute.

(d) Staff members shall ensure that their personal views and convictions do not adversely affect the discharge of their official duties or the interests of the Agency. They shall refrain from any action incompatible with their status as a staff member of the Agency or with the integrity, independence and impartiality required by that status.

(e) Staff members shall not use their office or knowledge gained from their official functions for private advantage or for the private advantage of any third party.

(f) Staff members shall exercise the utmost discretion with regard to all matters of official business. They shall not communicate to any Government, entity, person or any other source any information known to them by reason of their official position that they know or ought to have known has not been made public, except as appropriate in the normal course of their duties or by authorisation of the Director-General. These obligations do not cease upon separation from service.

Regulation 2.6

Honours, gifts or remuneration

No staff member shall accept any honour, decoration, remuneration, favour or gift of any monetary value from a Government or a source external to the Agency unless authorized to do so by the Director-General.

Regulation 2.7

Conflict of interest

(a) Staff members shall not be actively associated in their personal capacity, directly or indirectly, with any business or other concern if it were possible for the staff member or the business or other concern to benefit from such association by reason of the staff member's position with the Agency.

(b) Staff members at the P-5 level and above, as well as any other staff members whose functions could lead to actual or apparent conflict of interest with the Agency, shall be required to file financial disclosure statements as prescribed by the Director-General.

(c) Staff members shall not engage in any outside occupation or employment, whether remunerated or not, without the prior approval of the Director-General.

Regulation 2.8

Use of property and assets

(a) Staff members shall only use the property and assets of the Agency for official purposes and shall exercise reasonable care when utilising such property and assets.

(b) Staff members must respond fully to requests for information from staff members or other qualified persons authorized by the Agency to investigate possible misuse of funds, waste or abuse.

Regulation 2.9

Performance of staff

- (a) Supervisors shall be responsible for ensuring that each staff member is fully informed of his or her work requirements and of the related performance indicators, on the basis of which each staff member shall be evaluated.
- (b) The performance of staff members shall be appraised periodically to ensure that the required standards of performance are met.

Regulation 2.10

Declaration of office

- (a) Staff members shall subscribe to the following declaration:

"I solemnly declare and promise to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the International Renewable Energy Agency, to discharge these functions and regulate my conduct with the interests of the Agency only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other source external to the International Renewable Energy Agency."

- (b) The declaration of office shall be made orally by the Director-General at a session of the Assembly. All staff members of the Agency shall make the declaration in writing in front of the Director-General or an authorised representative.

Article 3

CLASSIFICATION OF POSTS AND STAFF

Regulation 3

Classification of posts

The Director-General shall make appropriate provision for the classification of posts and staff according to the nature of the duties and responsibilities required and in conformity with the United Nations common system standards as developed by the International Civil Service Commission (hereinafter the "ICSC"), and in accordance with Article XI of the Statute.

Article 4

SALARIES AND RELATED ALLOWANCES

Regulation 4.1

Salary scales

Salaries of staff members shall be fixed by the Director-General in conformity with the United Nations common system standards.

Regulation 4.2

Allowances and benefits

Staff members shall be granted allowances and benefits in accordance with the United Nations common system standards. The Director-General shall specify such allowances and benefits in the Staff Rules.

Regulation 4.3

Tax reimbursement

(a) In the event the salaries and emoluments paid by the Agency to staff members are subject to national income taxation, the Director-General is authorized to refund the amount of those taxes to the staff members concerned, under conditions established by the Director-General to ensure that staff are obligated to minimize their tax liability to the maximum extent allowed under applicable law, and to provide accurate copies of the tax returns filed with the tax authorities.

(b) The Director-General is authorized to conclude bilateral agreements with the Members concerned for the reimbursement of such refunds to the Agency.

Article 5

APPOINTMENT AND PROMOTION

Regulation 5.1

Appointment

As provided in Article XI, paragraph C, of the Statute, the Director-General shall be responsible to the Assembly and the Council for the appointment of staff. Upon appointment, each staff member, including a staff member on secondment, shall receive a letter of appointment in accordance with the provisions of Annex I to these present Regulations and signed by the Director-General or by an official in the name of the Director-General.

Regulation 5.2

Recruitment criteria

(a) In accordance with Article XI paragraph C of the Statute, the paramount consideration in the employment of the staff shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff primarily from Members and on as wide a geographical basis as possible, taking particularly into account the adequate representation of developing countries and gender balance.

(b) Recruitment on as wide a geographical basis as possible shall not apply to posts in the General Service category.

Regulation 5.3

Selection of staff members

(a) Selection of staff members shall be made without distinction as to race, sex or religion in a manner that ensures transparency of the process. As far as practicable, selection shall be made on a competitive basis.

(b) Except where another equally well qualified person cannot be recruited, appointment shall not be granted to a person who bears any of the following relationships to a staff member: father, mother, son, daughter, brother or sister.

(c) The spouse of a staff member may be appointed provided that the spouse is fully qualified for the position and provided that the spouse is not given any preference for appointment by virtue of the relationship to the staff member.

(d) The Director-General shall specify in the Staff Rules the restrictions applicable to the placement into the organizational structure of any of the related staff members mentioned in paragraphs (b) and (c) above, and to the process of reaching any administrative decision in respect of such a related staff member in order to ensure that the proper functioning of the Agency is not affected and that there is no actual or perceived conflict of interest.

(e) Posts below the level of D-1, other than those of a short-term nature, which become vacant shall be announced to the staff if they represent a promotion opportunity for any staff, and selection for such posts shall be on a competitive basis. These requirements shall not apply to any posts when it is in the interest of the Agency to fill them by reassignment of a staff member without promotion.

Regulation 5.4

Period of appointment and probation

(a) Appointment of the Deputy Director-General shall be for a period of up to four years, renewable for up to a further four years.

(b) Other professional staff members shall be granted either a temporary or a fixed-term appointment. No continuing appointments shall be granted. Fixed-term appointments may be extended at the discretion of the Director-General. The initial period shall normally not exceed three years. The total length of service on fixed-term appointments shall normally not exceed seven years.

(c) The Director-General may extend this maximum length of service for staff once for a period of up to two years provided that, for staff at the professional level and above, there is a documented record of performance and the need for such extension to ensure continuity of the work of the Agency.

(d) Staff members shall be required to serve a probationary period of six months. For certain categories of staff, especially for temporary and part-time appointments, the Director-General may, in the best interest of the Agency, adjust the length and conditions of the probationary period.

(e) A temporary appointment does not carry any expectancy, legal or otherwise, of renewal. A temporary appointment shall not be converted to any other type of appointment.

(f) A fixed-term appointment does not carry any expectancy, legal or otherwise, of renewal or conversion, irrespective of the length of service or its extension.

Regulation 5.5

Medical standards

The Director-General shall establish appropriate medical standards that staff members shall be required to meet before appointment.

Regulation 5.6

Consultants, individual contractors, interns and other personnel

Consultants, individual contractors, interns and other personnel may be engaged under such terms and conditions as the Director-General may determine as appropriate and shall not be staff members for the purposes of these regulations.

Article 6

ATTENDANCE AND LEAVE

Regulation 6.1

Working hours and attendance

(a) The Director-General shall establish the normal working hours and the normal working week and shall establish official holidays for each duty station according to principles laid down in the Staff Rules. Exceptions may be made by the Director-General as the needs of the service may require, and staff members may be requested to work beyond the normal working hours or the normal working week if necessary for the performance of the Agency's work.

(b) No salary shall be paid to staff members in respect of periods of unauthorized absence from work unless such absence was due to reasons beyond their control.

Regulation 6.2

Annual leave

Staff members shall be allowed appropriate annual leave and eligible staff members shall be allowed, as appropriate, home leave in accordance with the United Nations common system standards. The Director-General shall specify these standards in the Staff Rules.

Regulation 6.3

Special leave

Special leave may be authorized by the Director-General in exceptional cases.

Article 7

SOCIAL SECURITY

Regulation 7.1

Pension scheme

The Agency shall provide a provident contribution for the benefit of eligible staff. The primary fund for provident contribution will be the IRENA Staff Provident Fund. The Management Board of the Staff Provident Fund shall establish and maintain a relationship with a “preferred provider” commercial, financial, providential organization to host the IRENA Staff Provident Fund. Given the limited duration of IRENA contracts and the diversity of national, private and intergovernmental pension schemes on offer, the onus and responsibility for the specification of a staff member’s pension scheme lie within the individual, subject to the criteria determined by the Management Board.

Regulation 7.2

Social security scheme

The Director-General shall establish a cost-effective and administratively efficient scheme of social security for the staff, including provisions for health protection, sick leave, maternity and paternity leave, and reasonable compensation in the event of illness, accident or death attributable to the performance of

official duties on behalf of the Agency, in accordance with the United Nations common system standards under terms and conditions specified by the Director-General in the Staff Rules.

Article 8

TRAVEL AND REMOVAL EXPENSES

Regulation 8.1

Staff members shall be paid travel and removal expenses in accordance with the United Nations common system standards, under terms and conditions specified by the Director-General in the Staff Rules.

Article 9

STAFF RELATIONS

Regulation 9.1

The Director-General shall establish and maintain continuous contact and communication with the staff in order to ensure the effective participation of the staff in identifying, examining and resolving issues relating to human resources policies, conditions of work and staff welfare.

Regulation 9.2

(a) The staff of the Secretariat shall have the right to establish a staff representative body. It shall be organised in such a way as to afford equitable representation to all staff members, by means of elections that shall take place at least biennially under electoral regulations drawn up by the staff representative body and agreed to by the Director-General.

(b) The staff representative body shall be entitled to initiate proposals to the Director-General for the purpose set forth in regulation 9.1.

Article 10

SEPARATION FROM SERVICE

Regulation 10.1

Resignation

Staff members may resign from service upon giving the Director-General the notice required under the terms of their appointment. The Director-General and the staff member concerned may agree on a shorter notice period.

Regulation 10.2

Termination of appointment by the Director-General

(a) The Director-General may terminate the appointment of a staff member who holds a temporary or a fixed-term appointment prior to the expiration date of the appointment in accordance with the terms of such appointment or for any of the following reasons:

(i) if the necessities of service require abolition of the post or reduction of the staff;

(ii) if the services of the staff member prove unsatisfactory;

(iii) if the staff member is, for reasons of health, incapacitated for further service;

(iv) if the conduct of the staff member indicates that the staff member does not meet the highest standards of integrity required by Article XI paragraph C of the Statute;

(v) if facts anterior to the appointment of the staff member and relevant to his or her suitability come to light that, if they had been known at the time of his or her appointment, should, under the standards established by the Statute, have precluded his or her appointment;

(vi) in the interest of the good administration of the Agency and in accordance with the standards of the Statute, provided that the action is not contested by the staff member concerned.

(b) The Director-General shall give reasons for the termination of the appointment of a staff member.

(c) If the Director-General terminates an appointment, the staff member shall be given such notice and such indemnity payment as may be applicable under the Agency's Staff Regulations and Staff Rules. Payment of termination indemnity shall be made by the Director-General in accordance with the rates and conditions specified in Annex II to these regulations.

Regulation 10.3

Repatriation grant

Staff members shall be paid repatriation grants in accordance with the United Nations common system standards, under terms and conditions specified by the Director-General in the Staff Rules.

Article 11

DISCIPLINARY MEASURES

Regulation 11.1

- (a) The Director-General may impose disciplinary measures on staff members who engage in misconduct.
- (b) The Director-General may summarily dismiss a staff member for serious misconduct.

Regulation 11.2

The Director-General shall establish administrative machinery with staff participation to advise him or her in disciplinary cases.

Article 12

ADMINISTRATION OF JUSTICE

Regulation 12.1

Staff members have the right to appeal against administrative decisions affecting them directly, including disciplinary measures imposed without prior advice from the body established under regulation 11.2. The appeal must be based on an alleged non-observance of their terms of appointment, including pertinent Staff Regulations and Rules.

Regulation 12.2

The Director-General shall establish machinery with staff participation to advise him or her on appeals submitted by staff members against administrative decisions affecting them directly.

Regulation 12.3

The Director-General shall make arrangements for staff members dissatisfied with the outcome of the internal appeal process under regulations 12.1 and 12.2, or with the disciplinary measure imposed after advice from the body established under regulation 11.2, to have access to an independent judicial or arbitral mechanism if they wish to present a recourse against the validity of the final decision taken by the Director-General.

Article 13

GENERAL PROVISIONS

Regulation 13.1

Amendments

The present regulations may be amended by the Assembly, without prejudice to the acquired rights of staff members.

Regulation 13.2

Staff Rules

The Director-General, as the chief administrative officer of the Agency, shall provide and enforce such Staff Rules as he or she considers necessary in order to implement these regulations.

Regulation 13.3

Entry into force of new and amended staff rules

(a) New and/or amended Staff Rules shall be provisional until the requirements of the present regulation have been met. Provisional Staff Rules or amendments do not give rise to acquired rights for staff members.

(b) The Director-General shall report to the Assembly the full text of provisional new and/or amended Staff Rules. Should the Assembly find that a provisional rule or amendment is inconsistent with the intent and purpose of the Staff Regulations, it may direct that the rule or amendment be withdrawn or modified.

(c) The provisional rules and amendments reported by the Director-General, taking into account such modifications and/or deletions as may be directed by the Assembly, shall enter into full force and effect no later than thirty days after the end of the Assembly session having considered the provisional rules or amendments, unless the Assembly decides on a different date.

Regulation 13.4

Transitional measure pending promulgation of the Agency Staff Rules

Pending promulgation of the Agency Staff Rules by the Director-General, the Staff Rules adopted by the Preparatory Commission at its Third Session shall remain applicable. In case of conflict between these Regulations and the Staff Rules adopted by the Preparatory Commission, the text of the Regulations shall prevail.

PC.5/DC.2/Rev.1

Annex I

Letters of appointment

(a) The letter of appointment shall state:

(i) that the appointment is subject to the provisions of the Staff Regulations, the Staff Rules and the annexed Code of Conduct applicable to the category of appointment in question and to changes which may be duly made in such regulations and rules from time to time;

(ii) the nature of the appointment;

(iii) the date at which the staff member is required to enter upon his or her duties;

(iv) the period of appointment, the notice required to terminate it and the period of probation, if any;

(v) the category, level, commencing rate of salary and information on the scale of increments, if applicable;

(vi) any special conditions which may be applicable;

(vii) that a temporary appointment does not carry any expectancy, legal or otherwise, of renewal. A temporary appointment shall not be converted to any other type of appointment;

(viii) that a fixed-term appointment does not carry any expectancy, legal or otherwise, of renewal or conversion, irrespective of the length of service or its extension.

(b) A copy of the Staff Regulations, the Staff Rules and the annexed Code of Conduct shall be transmitted to the staff member with the letter of appointment. In accepting appointment the staff member shall state that he or she has been acquainted with and accepts the conditions laid down in the Staff Regulations and in the Staff Rules.

(c) The letter of appointment of a staff member on secondment signed by the staff member and by or on behalf of the Director-General, and relevant supporting documentation of the terms and conditions of secondment agreed to by the Member or other seconding entity and by the staff member, shall be evidence of the existence and validity of secondment to the Agency for the period stated in the letter of appointment.

(d) The letter of appointment shall require the staff member to affirm that he or she has read the Agency's Code of Conduct and understands that its provisions constitute fundamental conditions of employment with the Agency.

PC.5/DC.2/Rev.1

Annex II

Termination indemnity

Staff members whose appointments are terminated shall be paid an indemnity in accordance with the following provisions:

a) Except as provided in paragraphs (b) and (c) below, the termination indemnity shall be paid in accordance with the following schedule:

<i>Completed years of service</i>	<i>Temporary appointments exceeding six months</i>	<i>Fixed-term appointments</i>
Less than 1	One week's net salary for each month of uncompleted service subject to a minimum of six weeks' and a maximum of three months' indemnity pay	One week's net salary for each month of uncompleted service subject to a minimum of six weeks' and a maximum of three months' indemnity pay
1		
2		
3)	<i>For staff members having served for 6 years or longer:</i>
4)	
5) Not applicable	
6)	3 months' net salary
7)	5 months' net salary

b) A staff member whose appointment is terminated for unsatisfactory service or who for disciplinary reasons is separated from service for misconduct other than by dismissal may be paid, at the discretion of the Director-General, an indemnity not exceeding one half of the indemnity provided under paragraph (a) of the present annex;

c) No indemnity payments shall be made to:

- (i) A staff member who resigns, except where termination notice has been given and the termination date agreed upon;
- (ii) A staff member whose appointment is not confirmed at the end of the probationary period;
- (iii) A staff member who has a temporary or a fixed-term appointment that is completed on the expiration date specified in the letter of appointment;
- (iv) A staff member who is dismissed;
- (v) A staff member who abandons his or her post.