

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

Interim Staff Regulations for the Preparatory Commission

Second session

Tuesday, 30 June 2009

Sharm El Sheikh International Congress Center (SEICC)

IRENA/PC.2/dc.5

Agenda item 13

**Decision PC.2/dc.5 on Adopting the
Interim Staff Regulations for the Preparatory Commission**

The Preparatory Commission for the International Renewable Energy Agency

(“*Commission*”), at its second session,

recalling number 8 lit. c) of the resolution on establishing the Preparatory Commission for IRENA, which provides that the Commission shall adopt its interim staff regulations,

recalling paragraph II of the decision PC.1/dc.5 on establishing an Administrative Committee for the Commission, which assigned the Administrative Committee to prepare a draft proposal for interim staff regulations for the Preparatory Commission to be adopted at its second session,

stressing the need for transparent and easily applicable staff regulations in order to provide the Interim Director-General with the necessary legal framework to start establishing the working structures of the Commission and in order to enable the Commission to hire the highest qualified staff, since the staff regulations embody the fundamental conditions of service and the basic rights, duties and obligations of the Secretariat,

emphasising that these interim staff regulations only apply for the Preparatory Commission and that the Preparatory Commission has to develop staff regulations for IRENA in accordance with number 10 lit. e.) of the resolution on establishing a Preparatory

Commission for IRENA to be adopted by the Assembly after the entry into force of the Statute,

adopts the following interim staff regulations for the Commission:

Article 1

SCOPE AND DEFINITIONS

Regulation 1.1

Scope

The interim staff regulations embody the fundamental conditions of service and the basic rights, duties and obligations of the Secretariat of the Preparatory Commission for 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.

Regulation 1.2

Definitions

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

1. "Statute" means the Statute of the International Renewable Energy Agency (IRENA);
2. "Resolution" means the resolution on establishing a Preparatory Commission for the International Renewable Energy Agency, adopted at the Conference on the establishment of the International Renewable Energy Agency;
3. "Commission" means the Preparatory Commission for the International Renewable Energy Agency;
4. "Member" means any Member of the Commission;
5. "Secretariat" means the Secretariat of the Commission, which is the Interim Secretariat of IRENA;
6. "Staff members" or "staff" shall refer to all the staff members of the Secretariat, appointed by the Interim Director-General;
7. "The 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 Interim Director-General

(a) The Interim Director-General shall ensure that the rights and duties of staff members, as set out in the Statute, the Resolution, the staff regulations and rules and in the relevant resolutions and decisions of the Commission, are respected.

(b) The Interim Director-General shall seek to ensure that in accordance with the Resolution number 8 lit. b.), (4) and 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

The privileges and immunities enjoyed by the Commission are conferred upon the staff in the interests of the Commission. These privileges and immunities furnish no excuse to the staff members who are covered by them to fail to observe laws and police regulations of the State in which they are located, nor do they furnish an excuse for non-performance of their private obligations. In any case where an issue arises regarding the application of these privileges and immunities, the staff member shall immediately report the matter to the Interim Director-General, who shall act accordingly.

Regulation 2.4

Core values

(a) Staff members shall uphold and respect the principles set out in the Statute and the Resolution 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 discriminate against any individual or group of individuals or otherwise 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.

Regulation 2.5

General rights and obligations

(a) Staff members are subject to the authority of the Interim Director-General, including his or her decisions on assignment to any of the activities or offices of the Commission. In exercising this authority, the Interim 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 Commission.

(c) By accepting appointment, staff members pledge themselves to discharge their functions and regulate their conduct with the interests of the Commission only in view. Loyalty to the aims, principles and purposes of the Commission, as set forth in Number 1 of the Resolution and Article II of the Statute, is a fundamental obligation of all staff members by virtue of their status as international civil servants.

(d) While staff members' personal views and convictions, including their political and religious convictions, remain inviolable, staff members shall ensure that those views and convictions do not adversely affect their official duties or the interests of the Commission. They shall conduct themselves at all times in a manner befitting their status as international civil servants and shall not engage in any activity that is incompatible with the proper discharge of their duties with the Commission. They shall avoid any action and, in particular, any kind of public pronouncement that may adversely reflect on their status, or on the integrity, independence and impartiality that are required by that status.

(e) Staff members shall not use their office or knowledge gained from their official functions for private gain, financial or otherwise, or for the private gain of any third party, including family, friends and those they favour. Nor shall staff members use their office for personal reasons to prejudice the positions of those they do not favour.

(f) Staff members shall ensure that their participation in any political activity is consistent with, and does not reflect adversely upon, the independence and impartiality required by their status as international civil servants.

(g) 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 Interim Director-General. These obligations do not cease upon separation from service.

Regulation 2.6***Honours, gifts or remuneration***

(a) No staff member shall accept any honour, decoration, or any favour or gift exceeding 50 €/€ or remuneration from any Government or any source external to the Commission.

(b) If refusal of an unanticipated honour, decoration, favour or gift from a Government would cause embarrassment to the Commission, the staff member may receive it on behalf of the Commission and then report and entrust it to the Interim Director-General, who will either retain it for the Commission or arrange for its disposal for the benefit of the Commission or for a charitable purpose, whatever he/she would deem appropriate.

Regulation 2.7***Conflict of interest***

(a) Staff members shall not be actively associated with the management of, or hold a financial interest in, any profit-making, business or other concern, if it were possible for the staff member or the profit-making, business or other concern to benefit from such association or financial interest by reason of his or her position with the Commission.

(b) All staff members at the D-1 level and above shall be required to file financial disclosure statements on appointment and at intervals thereafter as prescribed by the Interim Director-General, in respect of themselves, their spouses and their dependent children, and to assist the Interim Director-General in verifying the accuracy of the information submitted when so requested. The financial disclosure statements shall include certification that the assets and economic activities of the staff members, their spouses and their dependent children do not pose a conflict of interest with their official duties or the interests of the Commission. The financial disclosure statements will remain confidential and will only be used, as prescribed by the Interim Director-General, in making determinations pursuant to staff regulation 2.8 (a). The Interim Director-General may require other staff to file financial disclosure statements as he or she deems necessary in the interest of the Commission.

Regulation 2.8***Outside employment and activities***

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

(b) The Interim Director-General may authorise staff members to engage in an outside occupation or employment, whether remunerated or not, if:

- (i) the outside occupation or employment does not conflict with the staff member's official functions or the status of an international civil servant;

(ii) the outside occupation or employment is not against the interest of the Commission; and

(iii) the outside occupation or employment is permitted by local law at the interim seat of the Secretariat or where the occupation or employment occurs.

Regulation 2.9

Use of property and assets

(a) Staff members shall only use the property and assets of the Commission 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 and other officials of the Commission authorised to investigate possible misuse of funds, waste or abuse.

Regulation 2.10

Performance of staff

(a) Staff members are accountable to the Interim Director-General for the proper discharge of their functions. Staff members are required to uphold the highest standards of efficiency, competence and integrity in the discharge of their functions.

(b) The whole working time of staff members shall be at the disposal of the Interim Director-General for the performance of official functions. The Interim Director-General shall establish a normal working week and shall establish official holidays. Exceptions may be made by the Interim Director-General as the needs of the service may require, and staff members may be requested to work beyond the normal tour of duty if necessary for the performance of the Commission's work.

(c) Employees should establish work requirements with the supervisor and be evaluated on the basis of their performance related to these requirements.

Article 3

CLASSIFICATION OF POSTS AND STAFF

Regulation 3

The Interim 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 and in accordance with the principles laid down by Number 8 b.), (4) of the Resolution and 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 Interim Director-General in conformity with the United Nations common system standards.

Regulation 4.2

Allowances

Staff members shall be granted allowances and benefits in accordance with the UN common system of standards, as may be specified by the Interim Director-General in the interim staff rules in accordance with regulation 13, but, as a general rule, not beyond.

Regulation 4.3

Staff assessment

(a) An assessment at the rates and under the conditions specified in the UN Staff Regulations and Rules shall be applied to the salaries and such other emoluments of staff members as are computed on the basis of salary, excluding post adjustments, provided that the Interim Director-General may, where he or she deems it advisable, exempt from the assessment the salaries and emoluments of staff members engaged at locality rates.

(b) The assessment computed under the foregoing provisions of the present regulation shall be collected by the Commission by withholding it from payments. No part of the assessment so collected shall be refunded because of cessation of employment during the calendar year.

(c) Revenue derived from staff assessment not otherwise disposed of by specific regulations shall be credited to miscellaneous income.

(d) In the event a staff member is subject to national income taxation with respect to the net salaries and emoluments paid by the Commission to staff members, the Interim Director-General is authorised to refund to him or her the amount of those taxes paid. The Interim Director-General will make arrangements with the Members concerned for the reimbursement to the Commission.

(e) If taxes are levied by Members on the salaries and emoluments paid by the Commission to staff members who are citizens of those Members, the Commission shall, however, only refund the amounts of taxes to the extent that such amounts are reimbursed to the Commission by the Members concerned.

Article 5

APPOINTMENT AND PROMOTION

Regulation 5.1

Appointment

As stated in number 8 b.), (4) of the Resolution and Article XI paragraph C of the Statute, the power of appointment of staff members rests with the Interim Director-General. Upon appointment, each staff member, including a staff member on secondment, shall receive a letter of appointment in accordance with the provisions of the annex to the present regulations and signed by the Interim Director-General or by an official in the name of the Interim Director-General.

Regulation 5.2

Recruitment criteria

(a) In accordance with number 8 lit b), (4) of the Resolution and Article XI paragraph C of the Statute, the paramount consideration in the appointment, transfer or promotion 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 with emphasis on gender balance. In preparing the budget, the proposed recruitment by the Interim Director-General shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper discharge of the responsibilities of the Secretariat.

(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

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

Regulation 5.4***Period of appointment and probation***

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

(b) Other staff members shall be granted either a temporary or a fixed-term contract. No continuing contracts shall be granted. Fixed term contracts may be extended at the discretion of the Interim Director-General. The initial contract period shall normally not exceed three years. The total length of extended fixed-term contracts shall normally not exceed seven years. The Interim Director-General may extend this maximum length of fixed-term contracts for locally recruited general staff. The Interim Director-General may extend this maximum length of fixed-term contracts for other staff if this is necessary to ensure continuity of the work of the Commission.

(c) Staff members shall be required to serve a probationary period of six months. In individual cases, especially for temporary and part-time appointments, the Director-General may, in the best interest of the Commission, adjust the terms and conditions.

(d) 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.

(e) 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 Interim 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 Commission may determine as appropriate and shall not be staff members for the purposes of the present regulations.

Article 6

ANNUAL AND SPECIAL LEAVE

Regulation 6.1

Annual leave

Staff members shall be allowed appropriate annual leave and eligible staff members shall be allowed, as appropriate, home leave based on the UN common system of standards, but, as a general rule, not beyond, as may be specified by the Interim Director-General in the interim staff rules in accordance with regulation 13. Pending such interim staff rules the United Nations common system standards shall apply *mutatis mutandis*.

Regulation 6.2

Special leave

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

Article 7

SOCIAL SECURITY

Regulation 7.1

Pension scheme

The Commission shall adopt an appropriate pension scheme. The Interim Director-General shall explore various options. He/she shall make a proposal to the Commission, with due regard to the advantages of the United Nations Joint Staff Pension Fund.

Regulation 7.2

Social security scheme

The Interim Director-General shall establish a cost-effective and administratively efficient scheme of social security for the staff, including provisions for health protection, sick leave and 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 Commission, in accordance with the UN common system standards as may be specified in the staff rules.

Article 8**TRAVEL AND REMOVAL EXPENSES****Regulation 8**

Staff members shall be paid travel and removal expenses in accordance with the UN common system of standards, as may be specified by the Interim Director-General in the interim staff rules in accordance with regulation 13, but, as a general rule, not beyond.

Article 9**STAFF RELATIONS****Regulation 9**

(a) The Interim 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 staff welfare, including conditions of work, general conditions of life and other human resources policies.

(b) A staff representative body shall be established as soon as the staff of the Secretariat has reached an appropriate number therefore. It shall be entitled to initiate proposals to the Interim Director-General for the purpose set forth in subparagraph (a) above. 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 respective staff representative body and agreed to by the Interim Director-General.

Article 10**SEPARATION FROM SERVICE****Regulation 10.1*****Resignation***

Staff members may resign from service upon giving the Interim Director-General the notice required under the terms of their appointment.

Regulation 10.2***Age limit***

Normally, staff members shall not be retained in active service beyond the age specified in the United Nations Joint Staff Pension Fund provisions as the age of retirement.

Regulation 10.3***Termination of appointment by the Interim Director-General***

(a) The Interim 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 his or her contract in accordance with the terms of his or her 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 paragraph 8 b.), (4) of the Resolution and 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 in the Resolution and Statute, have precluded his or her appointment;
- (vi) in the interest of the good administration of the Commission and in accordance with the standards of the Resolution and Statute, provided that the action is not contested by the staff member concerned.

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

(c) If the Interim Director-General terminates an appointment, the staff member shall be given such notice and such indemnity payment as may be applicable under the present staff regulations and staff rules. Payments of termination indemnity shall be made by the Interim Director-General in accordance with the rates and conditions specified in Annex III to the UN Staff Regulations.

Regulation 10.4
Repatriation grant

Staff members shall be paid repatriation grants in accordance with the UN common system of standards, as may be specified by the Interim Director-General in the interim staff rules in accordance with regulation 13, but, as a general rule, not beyond.

Article 11**DISCIPLINARY MEASURES****Regulation 11**

(a) The Interim Director-General may impose disciplinary measures on staff members who engage in misconduct.

(b) Sexual exploitation and sexual abuse constitute serious misconduct.

Article 12**ADMINISTRATION OF JUSTICE****Regulation 12**

The Interim Director-General shall make arrangements in order to place the Commission under the United Nations system of the administration of justice.

Article 13

GENERAL PROVISIONS

Regulation 13.1 ***Amendments***

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

Regulation 13.2 ***Staff rules***

The Interim Director -General, as the chief administrative officer, shall provide and enforce such interim staff rules as he or she considers necessary in order to implement the present regulation.

Regulation 13.3 ***Application of UN staff rules***

Pending the entry into force of these interim staff rules, the UN Staff Rules shall apply *mutatis mutandis*.

Regulation 13.4 ***Entry into force of amendments and staff rules***

(a) The interim staff rules and amendments to those interim staff rules shall be reported by the Interim Director-General to the Commission. These rules or amendments shall enter into force if the Commission does not express its objection.

(b) Should the Commission find that a rule is inconsistent with the intent and purpose of the present regulations, it may direct that the rule or amendment is to be withdrawn or modified.

(c) The interim staff rules and amendments to those rules shall enter into force on 1 January following the session in which they have been reported to the Commission and in which the Commission did not express its objection. If appropriate, the Commission may stipulate a different date on which these staff rules or amendments shall enter into force.

Regulation 13.5 ***Acquired rights***

Staff rules shall not give rise to acquired rights within the meaning of regulation 13.1 while they are provisional.

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 and of the staff rules 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, if increments are allowable, the scale of increments, and the maximum attainable;

(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 and the applicable staff rules as well as a copy of the United Nations staff regulations and rules 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 Interim Director-General, and relevant supporting documentation of the terms and conditions of secondment agreed to by the Member and the staff member, shall be evidence of the existence and validity of secondment to the Commission for the period stated in the letter of appointment.