

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

---

**Interim Regulations on Secondment of Staff to the  
Preparatory Commission**

---

Second session

Tuesday, 30 June 2009

Sharm El Sheikh International Congress Center (SEICC)

IRENA/PC.2/dc.6

Agenda item 14

**Decision PC.2/dc.6 on Adopting the  
Interim Regulations on Secondment of Staff to 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 such administrative regulations as may be necessary for the effective implementation of its purposes,

*considering* the need to provide the Interim Director-General with the necessary means to establish effective working structures of the Secretariat as soon as possible,

*convinced* that seconded staff should enable the Commission to benefit from the high level of their professional knowledge and experience, in particular in areas where this expertise is not yet available in the start-up phase of the Agency,

*intending* therefore to complement the interim staff regulations of the Commission,

*emphasising* that these interim regulations on secondment of staff only apply for the Preparatory Commission and that the Preparatory Commission may develop regulations on secondment of staff for IRENA in accordance with number 1 lit. a.) 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 regulations on secondment of staff to the Commission:

## **Article 1**

### **SCOPE AND DEFINITIONS**

#### **Regulation 1.1**

##### ***Scope***

These regulations lay down the conditions for secondment of staff to the Preparatory Commission. They shall apply to staff employed by a Member of the Preparatory Commission in its public administration and seconded by the Member to the Preparatory Commission so that the Preparatory Commission can use their expertise (hereinafter referred to as seconded officials).

#### **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. "Public administration" means all State administrative services at central, federal and regional level, comprising ministries, government and parliament services, the courts, central banks, and the administrative services of local authorities, as well as the decentralised administrative services of the State and of such authorities.

7. "Staff regulations and rules" means the interim staff regulations and rules of the Preparatory Commission

## **Article 2**

### **ACCEPTANCE OF SECONDED OFFICIALS**

#### **Regulation 2.1**

##### ***Relationship between seconded official and seconding Member***

The persons seconded to the Preparatory Commission should have worked in the public administration of the Member on a permanent or contract basis preferably for at least 12 months before their secondment and shall remain in the service of that Member throughout the period of secondment. The seconding Member shall thus undertake to maintain his or her administrative status (permanent official or contract staff member) throughout the period of secondment and to inform the Interim Director-General of any change in the seconded official's situation in this regard.

#### **Regulation 2.2**

##### ***Selection***

For the selection and the selection procedure of seconded officials the staff regulations regarding the appointment of staff shall apply *mutatis mutandis*. The Interim Director-General shall particularly ensure in accordance with regulation 5.2 lit (a) of the staff regulations and number 8 lit b), (4) of the Resolution and Article XI paragraph C of the Statute, that, based on a transparent procedure, the paramount consideration in the acceptance of seconded officials is the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of accepting seconded officials on as wide a geographical basis as possible, taking particularly into account the adequate representation of developing countries and with emphasis on gender balance.

#### **Regulation 2.3**

##### ***Primacy of recruitment of staff members***

As a general principle, the proper discharge of the responsibilities of the Secretariat shall primarily be ensured by recruitment of staff. Secondment of officials shall be restricted to the extent necessary in order to ensure the proper functioning of the Secretariat.

**Regulation 2.4*****Period of secondment***

The initial period of secondment must be at least three months and not more than two years. Secondment may be prolonged or renewed, but the total periods of secondment for any one seconded official may not exceed four years, except in cases of special derogation granted by the Interim Director-General.

**Article 3****STATUS, DUTIES, OBLIGATIONS, RIGHTS AND PRIVILEGES****Regulation 3.1*****Status***

Seconded officials shall assist and tender advice to the Secretariat and carry out the duties entrusted to them. They may work in any field where their services are deemed necessary, provided that there is no conflict with the interests of the Commission.

**Regulation 3.2*****General rule on duties, rights and obligations***

In performing the functions entrusted to them, the duties, rights and obligations of staff members shall apply *mutatis mutandis* to seconded officials, unless otherwise provided in these regulations.

**Regulation 3.3*****Authorisation***

Unless special instructions to the contrary are given by the Interim Director-General or its authorised representative, seconded officials may not enter into commitments on behalf of the Commission. In no event may seconded officials enter into a financial commitment on behalf of the Commission.

**Regulation 3.4*****Privileges and immunities***

If and to what extent seconded officials to the Commission shall enjoy privileges and immunities shall be specified in the interim headquarters agreement and in an interim general

agreement on privileges and immunities in accordance with Article XIII paragraph B of the Statute if such an agreement will be concluded for the Preparatory Commission.

**Regulation 3.5**  
***Property rights***

Unless otherwise stipulated between the parties or unless otherwise decided by the Interim Director-General, all rights in any work done by the seconded official shall be the property of the Commission.

**Article 4**

**SALARIES, SOCIAL RIGHTS, BENEFITS AND ALLOWANCES**

**Regulation 4.1**  
***Salaries and social rights***

The seconding Member shall continue to pay the salary of the seconded official and shall also continue to be responsible for all his social rights and those of his family, particularly for social security and pension. This shall be certified to the Commission before the period of secondment begins.

**Regulation 4.2**  
***General principle***

Unless otherwise provided in these regulations, the Commission shall not grant benefits and allowances to the seconded officials.

**Regulation 4.3**  
***Subsistence allowances***

1. A seconded official shall be entitled, throughout the period of secondment, to a daily subsistence allowance and a monthly subsistence allowance paid by the Commission.

The daily subsistence allowance shall be 135,53 € for Abu Dhabi, 114,01 € for Bonn and 134,49 € for Vienna.

The monthly subsistence allowance shall be paid in accordance with the following table:

Distance between place of former residence and place of secondment (km)	Amount in €		
	Abu Dhabi	Bonn	Vienna
0 – 150	0	0	0
> 150	87,11	73,28	86,45
> 300	154,86	130,27	153,68
> 500	251,68	211,72	249,76
> 800	406,55	342,00	403,45
> 1300	638,88	537,44	634,00
> 2000	764,74	643,31	758,90

2. These allowances are intended to cover the seconded official's living expenses in the place of secondment on a flat-rate basis and shall in no circumstances be construed as remuneration paid by the Commission.

3. The subsistence allowances paid by the Commission shall be reduced after three months by 20% for seconded officials without family responsibilities. In any case, the daily subsistence allowances shall be reduced by two-thirds if the place of residence prior to secondment to the Commission is less than 100 kilometres from the place of secondment.

4. Subsistence allowances shall be payable for every day of the week, including during periods of mission, annual leave and special leave.

5. When the seconded official starts the secondment, the first 75 days of the subsistence allowances to which the official is entitled shall be advanced in the form of a lump sum, and the allowances shall not be paid during the corresponding period. If the secondment is ended during the first 75 days, the seconded official shall return the amount corresponding to the remainder of that period.

#### **Regulation 4.4**

##### ***Travel expenses at the beginning and at the end of secondment***

The travel and subsistence expenses incurred by seconded officials when travelling between the place of residence and the place of secondment at the beginning and at the end of the secondment shall be borne by the Commission on the conditions applicable to staff members.

**Regulation 4.5*****Travel expenses of official travels***

Costs incurred by seconded officials undertaking an official travel in the discharge of their functions shall be paid by the Commission under the conditions and to the extent as they are paid for staff members.

**Regulation 4.6*****Duplication of reimbursements, benefits and allowances***

The Commission shall not grant any allowances or benefits or reimburse any expenses to the extent as they have been covered by payments of the seconding Member or other sources. The seconded official shall without any undue delay inform the Interim Director-General of any reimbursement, benefits or allowances from other sources similar to those granted by the Commission. This amount shall be deducted from the amount granted by the Commission. Following a duly justified request from the seconded official, the Interim Director-General may in exceptional cases decide not to make this deduction.

**Article 5****LEAVE****Regulation 5**

Seconded officials are entitled to take leave under the same conditions and to the same extent as staff members, provided that this is in conformity with their terms of service with the seconding Member.

## Article 6

### TERMINATION OF SECONDMENT

#### Regulation 6

1. The secondment of an official may be terminated by the Interim Director-General or the seconding Member prior to the date stipulated in the agreement between the Commission and the seconding Member, subject to a 30 days' written notice.
2. With respect to a separation before the end of the notice period, the staff regulations and rules shall apply *mutatis mutandis* for seconded officials.

Beyond, the secondment may be terminated before the end of the notice period:

- a) by the seconding Member, if the Members essential interests so require;
  - b) by the Commission and the Member acting jointly, at the request of the seconded official addressed to both parties, if the seconded official's personal or professional interests so require;
  - c) by the Commission in case of termination of or change in the seconded official's administrative status (permanent official or contract staff member).
3. If in the view of the Interim Director-General separation before the end of the notice period would be justified he shall report this to the Member as soon as possible with a view to obtaining an agreement on an immediate cessation of service. The Interim Director-General may decide to limit or bar access to the Commission's premises by the seconded official involved when the circumstances so warrant.

## Article 7

### ACCOUNTABILITY

#### Regulation 7.1

##### ***Reimbursement of damages to the Commission***

The donor will reimburse the Commission for financial loss or for damage to the Commission-owned equipment or property caused by seconded officials if such loss or damage occurred outside the performance of services with the Commission or arose or resulted from gross negligence, wilful misconduct, violation or reckless disregard of applicable rules and policies by the seconded official.

**Regulation 7.2**  
***Third-party claims***

The Commission shall be responsible for dealing with claims by third parties where the damage to their property or personal injury was caused by the actions or omissions of the seconded official in the performance of services to the Commission under the agreement with the Member. However, if the damage or injury arose from gross negligence or wilful misconduct of the seconded official, the Member shall be liable to the Commission for the amounts paid and costs incurred by the Commissions in settling such claims.

**Article 8****SECONDMENT AGREEMENT AND STAFF REGULATIONS AND RULES****Regulation 8.1**  
***Secondment agreements***

The respective obligations of the Commission, the seconding Member and the seconded official will be clearly specified in a formal agreement between the Commission and the seconding Member. The essential duties and obligations that the Commission will expect from the seconded official will be spelled out both in the agreement with the seconding Member and in an individual undertaking signed by the seconded official.

**Regulation 8.2**  
***Staff regulations and rules***

Unless otherwise specified in the agreements referred to in regulation 8.1 or these regulations, the staff regulations and rules shall apply *mutatis mutandis*.

**Article 9****GENERAL PROVISIONS****Regulation 9.1**  
***Entry into force***

These regulations shall become effective on the date of their approval by the Commission.

**Regulation 9.2*****Amendments and implementing rules***

These regulations may be amended by the Commission. They may be specified by implementing rules by the Interim Director-General.

**Regulation 9.3*****Entry into force of amendments and implementing rules***

Amendments to these regulations and the implementing rules shall become effective on the date of their approval unless otherwise provided by the Commission.

**Regulation 9.4*****Relation of provisions***

In the event of any conflict between any provisions of these regulations and any provisions of the Resolution, the Resolution shall prevail. In the event of any conflict between these regulations and the implementing rules or the agreements between the parties as referred to in Article 8, these regulations shall prevail.