



GENERAL ASSEMBLY
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Item No. 10 on the Agenda: Amendment to the Regulations of UNIDROIT

(Secretariat Memorandum)

<i>Summary</i>	<i>Amendment to Article 39 of the UNIDROIT Regulations</i>
<i>Action to be taken</i>	<i>Adoption of the proposed amendment</i>
<i>Related documents</i>	<i>None</i>

1. The annex to this document contains a proposal for amendment to Article 39 of the Regulations, which was considered by the Governing Council at its 89th session (Rome, 10-12 May 2010). The essence of this proposed amendment is to allow for the temporary recruitment of junior professional staff at a lower cost for the Institute than would be the case under the existing rules.

2. This proposal is being submitted as a fast track procedure in order to enable implementation of the new rule in time for the temporary recruitment by the Secretariat of a junior professional thanks to extra-budgetary funds as from early 2011. Indeed, the Secretariat expects to receive voluntary contributions from the private sector representatives of a member State for the purpose of funding one professional position to carry out research and coordinate the work of the Secretariat in connection with the preparation of an international instrument on netting of financial instruments, a proposed project to which the Governing Council attached the highest level of priority. However, the amount that has been committed towards funding of such a position, while significant, would not suffice to entirely cover the salary, allowances and social security contributions of an officer hired even at the lowest grade of the A Category of the salary scale applied by UNIDROIT.

3. With a view to avoiding any residual liability for the regular budget of UNIDROIT that might result from the difference between the amount of the voluntary contribution actually received and the actual cost of such new position, it is proposed that article 39 of the Regulations be amended so as to allow for the recruitment of junior staff holding a university degree or equivalent for filling temporary, project-specific positions classified at the B Category of the salary scale applied by UNIDROIT.

4. The General Assembly is invited to consider and approve the proposed amendment to article 39 of the UNIDROIT Regulations.

ANNEX

**Proposed amendment to the UNIDROIT Regulations
(fast track procedure)**

PART THREE

STAFF

<p>Current wording of the UNIDROIT Regulations (with amendments up to 1 January 2008)</p>	<p>Amendments proposed by the Permanent Committee in 2010 (appearing in italics)</p>	<p>Comments</p>
<p align="center">Article 39</p> <p>1.– Depending on the nature of the functions performed, the Institute staff shall be subdivided as follows:</p> <p>Category A - Professional staff Category B - Staff filling non-professional posts Category C - Staff filling posts requiring some degree of technical training.</p> <p>2. – When approving the Work Programme the Assembly shall also approve the list of positions drawn up by the Governing Council on proposal by the Secretary-General, concerning the budgetary posts in each category. The list, which constitutes ANNEX III to these Regulations, may be amended during the three year period by the General Assembly on proposal by the Secretary-General upon concurrence of the Permanent Committee.</p> <p>3. – Category A officials shall hold a university degree or equivalent. Category B officials other than junior professional staff shall hold a high school diploma or equivalent.</p> <p>4. – Category B and C positions shall be divided into sub-categories 1 to 6. Staff may be promoted from one sub-category to another after five years service or prior to that time for meritorious service.</p> <p>5. –The competent authority for the appointment of an official shall in each case determine what languages the candidate should know, depending on the assignment of the prospective official or employee. It may also be decided that the candidate shall pass a language and general education examination.</p>	<p align="center">Article 39</p> <p>1. - [unchanged]</p> <p>Category A - Professional staff Category B - <i>Junior Professional staff recruited for temporary positions and staff filling non-professional posts</i> Category C - Staff filling posts requiring some degree of technical training.</p> <p>2. – [unchanged]</p> <p>3. – Category A officials, <i>as well as junior professional staff recruited for temporary category B positions</i>, shall hold a university degree or equivalent. Category B officials other than junior professional staff shall hold a high school diploma or equivalent.</p> <p>4. – [unchanged]</p> <p>5.- [unchanged]</p>	<p>The purpose of this amendment is to allow for temporary recruitment of young professional staff members, for work on specific projects, at a lower cost for the Institute. This is not intended as a means for long-term recruitment of professional staff.</p> <p>Recruitment of junior professionals as category B staff members, a possibility which exists in other organisations, such as the Hague Conference on Private International Law, would ensure, for instance, that in case of projects supported by extra-budgetary funds, the cost of hiring temporary staff might be kept within the amounts effectively received by UNIDROIT, without the need for having to commit funds from the regular budget.</p> <p>This possibility would permit to grant temporary employees orderly appointments as members of the staff, thus reserving recourse to contractual arrangements under article 48 of the Regulations for consultancy services.</p>