

U N I D R O I T

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW

REGULATIONS

Organisation of the Institute - Financial Administration - Staff

(including amendments adopted by the General Assembly at its 76th session
in connection with the review of the compensation and social security package
offered to UNIDROIT staff (7 December 2017))

Rome

PART ONE

ORGANISATION OF THE INSTITUTE

General Assembly

Article 1

- 1.- The General Assembly shall be convened by the President of the Institute.
- 2.- The agenda drawn up by the Permanent Committee shall be submitted to the representatives of member Governments three months prior to each session. Each representative may, six weeks before the date set for the opening session, request that new items be entered on the agenda. Such items shall appear in an additional agenda to be forwarded to the representatives of the member Governments four weeks before the opening of the session.

Article 2

- 1.- The working languages employed in sessions of the Assembly shall be English and French.
- 2.- The minutes of the sessions and resolutions shall be drawn up in English and French and shall be communicated to the participants for approval after each session.

Article 3

Deliberations or decisions of the Assembly shall not be valid unless a majority of member Governments are represented. If this condition is not satisfied, the President shall convene the Assembly on second call. At least one week shall elapse between the first and second call of the session. The Assembly on second call shall be validly constituted to deliberate and take decisions regardless of the number of Governments represented.

Article 4

- 1.- The Assembly shall be presided over by a Chairman, who shall be the senior ranking diplomat of the Governments represented. The Chairman shall conduct the deliberations and announce the results of votes of the Assembly. He shall also have the casting vote.
- 2.- The Secretary-General shall organise the secretariat of the Assembly.

Article 5

- 1.- The Assembly shall review only such questions as are entered on the agenda. In case of doubt, the Assembly shall decide whether or not any proposal submitted by one of its members falls within the framework of the items entered on the agenda.

2.- The Assembly may however agree by a two-thirds majority to the entering on the agenda of new items.

Article 6

1.- When several proposals relate to the same subject, they shall be put to the vote in the order in which they were tabled. In case of doubt as to the degree of priority the Chairman shall give a ruling.

2.- When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Assembly shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. The proposal shall then be put to a final vote subject to any amendments which may have been carried. In case of doubt as to the degree of priority the Chairman shall give a ruling.

3.- The separable parts of a proposal or of an amendment may be put to the vote separately.

4.- In the case of proposals of a budgetary nature, the highest total shall be put to the vote first. Each favourable vote relating to a particular sub-head entails the final grant of the corresponding appropriations.

5.- On a proposal which has been rejected, a representative may subsequently ask for the re-opening of the debate and for a second and final vote. The Assembly shall decide thereon by a simple majority.

Article 7

1.- Except when otherwise set forth in the Statute, decisions of the Assembly shall be valid when taken by a majority of members present and casting a vote. In the event of an equal number of votes being cast for and against a proposal, another vote shall be taken. If, after a third vote, no majority has been obtained, the proposal shall be deemed to be defeated.

2.- Votes shall be taken by show of hands unless a representative requests a vote by roll-call. In such circumstances, the Governments represented shall be called in the French alphabetical order.

3.- Notwithstanding the provisions of paragraph 2 of the present article, decisions concerning persons shall be taken by secret ballot.

4.- If no name obtains a majority on the first ballot, a further ballot shall be held for the two candidates who have obtained the highest number of votes. If the number of votes cast for each candidate is equal, another ballot shall be held among the candidates in question and the candidate obtaining the highest number of votes in such a ballot shall be elected.

5.- When the Assembly is called upon to proceed simultaneously to several appointments, other than appointments to the Governing Council, under identical conditions, candidates with an absolute majority of votes shall be elected. Should the number of candidates be lower than that of the appointments to be made, a second ballot shall be held among the remaining candidates and those obtaining the highest number of votes shall be elected.

6.- When the Assembly is called upon to proceed simultaneously to several appointments to the Governing Council under identical conditions, the first four appointments shall be reserved for the candidates having secured the highest number of votes from each region and the remaining appointments shall be filled by those of the other candidates having secured an absolute majority of votes. Should the number of candidates elected be lower than that of the appointments to be made, a second ballot shall be held among the remaining candidates and those obtaining the highest number of votes shall be elected.

7.- For the purposes of the preceding paragraph, the term "region" shall refer to each of the geographic regions into which the membership of the Institute is divided by the General Assembly. The General Assembly, at its 59th session held in Rome on 1 December 2005, fixed these regions as Africa, the Americas, the Asia-Pacific region and Europe.

Article 8

The minutes shall contain a summary of the deliberations of the Assembly and the decisions taken by it.

Article 9

The Committee appointed by the General Assembly pursuant to Article 16, paragraph 3 of the Statute (Finance Committee) shall, in addition to the functions entrusted to it by the said article and by these Regulations, examine the draft budget and the annual accounts of receipts and expenditure, and formulate an opinion thereon.

President of the Institute

Article 10

1.- The President shall represent the Institute and perform all such action as is called for by the Institute's corporate existence. With the assistance of the Secretary-General, he shall ensure the operation of the Institute and the preparation of studies. His authority shall extend to all services and to all committees.

2.- He shall convene sessions of the Permanent Committee, the Governing Council and the General Assembly in accordance with the provisions set forth in the Statute.

Article 11

At each session, the Governing Council shall nominate from among its members a First and Second Vice-President. They shall hold office until the next session of the Council.

Article 12

1.- In the event of the President being unable to perform his functions, the First Vice-President of the Governing Council or, if he is unable to act, the Second Vice-President, shall assume the functions of the President in relation to all matters pertaining to the activities of the Governing Council and the Permanent Committee.

2.- In all other matters, his functions shall be exercised by the Secretary-General insofar as compatible with the Statute and these Regulations.

Governing Council and Permanent Committee

Article 13

1.- The President shall submit to the members of the Governing Council a draft agenda one month before the date set for the opening of the session. Matters of urgency may, however, be entered on the draft agenda after that date. The draft agenda shall indicate as far as possible the names of the rapporteurs for the different items as well as the relevant documentation.

2.- The President may consult with the members of the Governing Council by letter. Should any proposal made by him be unanimously approved, the President shall give immediate execution to it.

Article 14

1.- The deliberations and decisions of the Governing Council shall not be valid unless a majority of its members is present. The decisions of the Council shall be valid when taken by a majority of the members present and casting a vote. In the event of an equal number of votes being cast, the President shall have the casting vote.

2.- Voting shall be by show of hands unless one member requests a vote by roll-call. In such circumstances, the members shall be called in alphabetical order.

3.- Notwithstanding the provisions of paragraph 2 of this article, decisions concerning persons shall be taken by secret ballot.

Article 15

The members of the Governing Council and of the Permanent Committee shall receive no compensation for their assignment except for that provided for in Article 29 of these Regulations and in ANNEX 11 thereto.

Article 16

The Governing Council may request representatives of member Governments that have no nationals sitting on the Council to attend its meetings in a consultative capacity.

Article 17

1.- The Permanent Committee shall ensure the continuity of the Institute's operation in accordance with the instructions of the Governing Council.

2.- The decisions of the Permanent Committee shall be valid only if at least three of its members, including the President, attend the meeting or are represented at it. Decisions shall be taken by a simple majority.

Secretariat

Article 18

The Secretary-General shall supervise the services of the Institute. He shall be responsible for the performance and smooth operation of such services.

Article 19

1.- The Secretary-General of the Institute shall act as Secretary of both the Governing Council and the Permanent Committee. He shall draw up the minutes of meetings to be submitted to the members of the Council or of the Committee for approval.

2.- He shall forward to the members of the Council and of the Permanent Committee the documents relating to items due for discussion.

3.- He shall ensure enforcement of the decisions of the General Assembly, of the Governing Council, of the Permanent Committee and of the studygroups.

Article 20

1.- The Deputy Secretary-Generals shall assist or replace the Secretary-General in the organisation and performance of the Institute's scientific tasks.

2.- Should the Secretary-General's post remain vacant, the senior Deputy Secretary-General shall fill the vacancy until a successor is duly appointed. In addition he shall substitute for the Secretary-General in the event of the temporary absence of the latter.

Article 21

1.- The Head Librarian shall supervise the operation of library services and the maintenance of bibliographic material. He shall submit to the Secretary-General lists of proposed acquisitions.

2.- A general purchasing plan for the Library shall be drawn up at the beginning of each financial year by the President with the assistance of the Secretary-General, the Deputy Secretary-Generals and the Head Librarian.

Article 22

Whenever functions pertaining to the management of the Institute are performed by civil servants of a member Government duly paid by such Government, provisions concerning staff appearing in Part Three of these Regulations, including salary scales, shall not be applicable. The Governing Council may however grant them an allowance for their collaboration as well as a sum for representation expenses and, if need be, a travel allowance.

PART TWO

FINANCIAL ADMINISTRATION

Article 23

These Regulations govern the financial management of the Institute, pursuant to article 17 of the Statute. In case of conflict between the Regulations and the Statute the latter prevails.

Article 24

The financial year shall run from 1 January to 31 December.

Article 25

The Institute's revenue shall be composed of:

- (a) the contribution of the Italian Government;
- (b) the contributions of other member Governments;
- (c) any other contributions, donations or legacies accepted by the Secretary- General, in accordance with these Regulations;
- (d) income derived from the Institute's activities;
- (e) income from the Institute's property.

Article 26

1.- Every year by 15 March the Secretary-General shall submit a proposal for a draft budget for the following financial year to the Finance Committee, for preliminary opinion. This draft budget, amended as necessary to reflect the Finance Committee's opinion, shall then be submitted to the Governing Council for consideration and, subsequently, communicated to member Governments for comment. Any such comments shall reach the Secretary-General by 30 September at the latest. The draft budget shall then be submitted, with any such comments, to the Finance Committee, for final opinion, and, with any amendments recommended by the Finance Committee, laid before the General Assembly for approval. The Finance Committee shall formulate its opinion on the draft budget by consensus.

2.- The budget shall be divided into chapters and articles. It shall present an introduction, a table of the expected receipts, including the special contribution of the host country, with explanatory notes, as well as a table of the expected expenditures with explanatory notes. The budget shall include forecast expenditure and revenue which balance out. It shall include a statement on the main changes in comparison with the budget of the previous financial year and such further annexes or statements as the Secretary-General or the General Assembly deems necessary. Forecast expenditure and revenue shall be expressed in the currency which is legal tender in Italy.

3.- The Secretary-General shall make all necessary arrangements in order that member Governments may have at their disposal all elements necessary to form an opinion at least one month before the session of the General Assembly at which the budget is to be adopted and the amount of the member Governments' financial contributions is to be set.

4.- The General Assembly shall adopt the budget and set the amount of the member Governments' financial contributions based on the draft submitted by the Secretary-General.

Article 27

1.- The Secretary-General shall notify each of the member Governments of the amount of their financial contribution as set by the General Assembly for each financial year.

2.- The ordinary annual contributions of member Governments shall be set in the currency which is legal tender in Italy and shall be paid in that currency or in another currency accepted by the Secretary-General. The entire contribution is due at the beginning of each year. As of the 1st of January of the following calendar year, the unpaid financial contribution or its debit balance shall be considered as in arrears for one year.

3.- New member Governments must pay a contribution for the year during which they become members; it shall be calculated *pro rata temporis*, based on the actual date of membership.

4.- The Secretary-General shall regularly present the status of collection of the ordinary annual contributions of member Governments to the Finance Committee and to the General Assembly.

Article 28

1.- The Secretary-General may accept voluntary contributions, whether or not in cash, and set up specific accounts which shall be subject to verification by the auditor, provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Institute and provided that the acceptance of such contributions that directly or indirectly involve additional financial liability for the Institute shall require the consent of the Finance Committee.

2.- The Secretary-General shall inform the Finance Committee of the receipt of such contributions and precisely define the objectives and the conditions for the establishment of each specific account. He shall report on any such accounts to the Finance Committee.

Article 29

1.- In adopting the budget for the financial year, the General Assembly authorises the Secretary-General to incur expenses and make payments within the approved limits.

2.- Should changes in the budget become necessary, the Secretary-General shall submit them to the Governing Council or to the Permanent Committee, then to the Finance Committee for opinion and to the General Assembly for ratification.

3.- Any transfer from one chapter of the budget to another that exceeds ten per cent of the expenditure under the transferring chapter, or two per cent of the total ordinary expenditure authorised for the financial year, whichever is higher, shall be authorised by the Finance Committee. Transfers from one article to another of the same chapter shall be authorised by the Secretary-General.

Article 30

The President shall have the power to sign on behalf of the Institute and shall issue a receipt for monies received. He may however delegate these powers to the Secretary-General and the Treasurer. If necessary, the Secretary-General may be replaced by the Deputy Secretary-General, and the Treasurer by an official authorised by the President, for the purpose of exercising the power thus delegated.

Article 31

The Secretary-General shall choose the bank(s) or other regulated financial institution where the funds of UNIDROIT are to be deposited. He shall be authorised to invest such funds as are not necessary for the immediate running needs of UNIDROIT, on the condition that he take due care in making investments and in selecting establishments in which he has no vested interest. The Secretary-General shall report on the results of any such investments.

Article 32

The Secretary-General shall establish any rules and methods he deems necessary to ensure the discipline and efficiency of financial management. He shall, in particular:

- a) set rules for the incurring of expenses;
- b) prescribe that all payments be made upon the presentation a special form, accompanied by supporting documents where necessary, indicating the name and address of the proposed recipient of payment , the amount payable, the object of the expenditure, the relevant item of the budget, and confirmation that the services or products have actually been provided and have not previously been paid for;
- c) authorise members of staff, responsible to the Secretary-General, to receive funds, incur expenses and carry out payments, as provided for in these Regulations.

Article 33

1.- The Secretary-General, on the advice of the Treasurer, shall approve all proposals for expenditure where appropriate and sign an order for payment.

2.- The Treasurer shall execute orders for payment signed by the Secretary-General and obtain receipts for payment.

Article 34

The scales of travel and subsistence allowances of the members of the Governing Council, of the auditors, of members of the study groups and of members of staff travelling on official business shall be calculated in accordance with the conditions laid down in ANNEX II to these Regulations, on the basis of the scales for official journeys applicable to the Coordinated Organisations as published by the OECD.

Article 35

1.- The Treasurer, acting as head of supplies, shall provide each member of staff with the office articles he needs. He shall keep an inventory of such articles and, whenever the Secretary-General so requests, prepare a statement showing how they have been used.

2.- The Secretary-General shall set rules for the procurement of equipment, goods, facilities and supplies as well as for the implementation of works or external services. A tender process shall be instituted each time that it appears necessary to the Secretary-General to do so in order to guarantee transparency and the best possible use of resources.

Article 36

The Secretary-General shall manage the general accounting for each financial year, monitoring:

- (a) revenue and expenditure, ensuring, in particular the conformity between actual expenditure and budgetary allocations;
- (b) the financial situation, including disposable assets, funds to be collected, working capital fund, outstanding debts and accrual liability.

Article 37

1.- The General Assembly shall appoint a financial auditor, upon the nomination of the President, in accordance with Article 17 of the Statute. The auditor shall be appointed for a term of five successive financial years (renewable once). The auditor may be removed from office under the same conditions as those of appointment.

2.- The auditor must have all qualifications required for carrying out his duties, which shall consist of the annual auditing of the accounts and ensuring that the provisions of the Regulations are abided by.

3.- The auditor shall submit directly his report to the General Assembly. He may attend all meetings of the General Assembly, of the Governing Council, of the Permanent Committee and of the Finance Committee, having the right to take the floor but not to vote. He may also submit to the said bodies, at any time, a report on matters which in his opinion call for action on his part.

Article 38

1.- The accounts shall be closed as at 28 February and, after preparation for examination, communicated to the auditor by 15 March. Together with the auditor's report, explanatory documents and any further background information, the accounts shall be made available to the Finance Committee at the meeting at which the Finance Committee considers the first estimates for the budget of the following year.

2.- The accounts and the auditor's report shall then be submitted to the member Governments whose observations thereon shall be communicated to the Secretary-General by 15 September.

3.- They shall subsequently be submitted with the observations, if any, of member Governments, to the Finance Committee for opinion and to the General Assembly for approval.

4.- If the accounts show, at the close of the financial year, any residual balance made up of the difference between revenue on the one hand, and expenditure and liabilities on the other hand, the Secretary-General may propose to the Finance Committee:

(a) to use the surplus for any purpose other than the original allocation, in particular when the surplus results from the recovery of arrears owed to the Institute by member Governments, or from savings made or other economy gains achieved by the Secretariat;

(b) to record the surplus as revenue in the next financial year, thus reducing assessed contributions of member Governments, in particular when the surplus resulted from an overestimation of expenditure.

5.- Based on the opinion of the Finance Committee, the report of the auditor and any additional information supplied by the Secretary-General, the General Assembly shall decide on the approval of the accounts, the Working Capital Fund, the assignment of any surplus in accordance with paragraph 4 of this Article, and the final discharge of the Secretary-General for the management of the relevant financial year.

6.- In the event of appointment of a new Secretary-General prior to the approval of the accounts of the previous financial year, provisional accounts shall be established from the date at which the Secretary-General assumes his or her duties when this does not take place at the end of the financial year. This statement shall be signed by both the exiting Secretary-General and the new Secretary-General and is addressed for information purposes to the Finance Committee and kept in the accounting files of UNIDROIT.

PART THREE

STAFF

Article 39

1.- Depending on the nature of the functions performed, the Institute staff shall be subdivided as follows:

- (a) Professional staff; and
- (b) General service staff, including junior professional staff recruited for temporary positions and staff filling non-professional posts, as well as staff filling posts requiring some degree of technical training.

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.

3.- Professional staff, as well as junior professional staff recruited for temporary general service positions, shall hold a university degree or equivalent. General service staff other than junior professional staff shall hold a high school diploma or equivalent.

4.- 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.

Article 40

1.- Without prejudice to the provisions set forth in Article 8 of the Statute and in Article 39 of the Regulations, professional staff shall be appointed by the Permanent Committee on proposal by the Secretary-General. Professional staff posts are classified from P-2 to P-5, as well as D-1 to D2 in accordance with the salary scales for professional and higher categories established by the United Nations International Civil Service Commission.

2.- General service posts are classified from GS-1 to GS-7 in accordance with the salary scales of the United Nations for the General Service Category for Rome, Italy. Posts classified from GS-3 to GS-7 shall be appointed by the Permanent Committee on proposal by the Secretary-General. Posts classified from GS-1 to GS-2 shall be appointed by the President on proposal by the Secretary-General.

Article 41

1.- The remuneration of professional staff officials shall be determined by the Permanent Committee at the time of their appointment within the limits set out in ANNEX III to these Regulations for vacant budgetary posts, and with reference to the salary scales for professional and higher categories established by the United Nations International Civil Service Commission and the applicable post adjustment for Rome (Italy), which is to be computed and applied on an annual basis.

2.- For professional and general service staff, with respect to the applicable salary scales, the "total net" salaries on those scales are to be used.

3.- Within-grade salary increments are to be granted consistent with the applicable salary scales, in particular on the basis of the requisite period of time and satisfactory service.

4.- Increases in salaries of general service staff under paragraph 3 of the present article shall be taken into consideration in full when calculating the indemnity due under Article 70, paragraph 1 of these Regulations. The impact on the indemnity due under Article 70, paragraph 1 of increases in salaries referred to in paragraph 2 of the present article which take effect after 31 December 1982 shall be limited to 75% of such increases.

Article 42

1.- Upon the proposal of the Secretary-General, the Permanent Committee may decide to promote a professional staff official for meritorious service within the limits set out in ANNEX III to these Regulations for the budgetary post in question.

2.- The competent authority for the appointment of a general service staff official or employee may decide to promote him from one grade to another after five years service in the lower grade, or prior to that time for meritorious service, or to promote him to a higher step in his own grade for meritorious service, regardless of his service seniority.

Article 43

The President may, on proposal by the Secretary-General, engage staff with lower grade assignments (ushers, lodge-keepers, cleaners, etc.) in accordance with the legislation in force in Italy.

Article 44

1.- i. A monthly allowance shall be paid in respect of each dependent child under 18 years of age.

ii. By dependent child is meant any legitimate, natural, adopted or otherwise dependent child who depends on an official's or employee's household or on that person alone for main and continuing support. An "otherwise dependent" child shall be taken as meaning:

- a. a child for whom adoption procedure has been initiated;
- b. an orphan dependent on the staff member.

iii. The allowance shall continue to be payable until the dependent child reaches the age of 26 if he (or she) is receiving, on a full-time basis, school or university education or vocational training which does not carry a wage or salary properly so called.

iv. The allowance shall continue to be payable without any age-limit if the dependent child cannot support himself (herself) owing to permanent disablement certified by a doctor approved by the Secretary-General.

v. If an official or employee or the spouse of an official or employee is entitled to payment under his/her country's laws or regulations of an allowance whose purpose is the same as that of the allowance provided for in this paragraph, the amount of that allowance shall be deducted from the allowance payable by the Institute.

2.- i. A monthly allowance shall be paid in respect of the spouse of an official or employee equivalent to 6% of the official's or employee's basic monthly salary on condition that such spouse is not in receipt of a pension or engaged in gainful employment income from which is in excess of the amount above which the official or employee would be disqualified under Italian law from receipt of an allowance in respect of his/her spouse.

ii. The allowance in respect of a dependent spouse shall be paid after deduction of any similar allowances to which the official or employee or his/her spouse may be entitled from another source.

3.- An allowance equal in amount to the allowance payable in respect of a dependent child may, in exceptional circumstances to be assessed by the Permanent Committee, be payable to an official or employee in respect of any relative by blood dependent on him/her for main and continuing support and whom he/she is under a legal obligation to provide with such support.

4.- The amount of the allowances payable under this article shall be calculated by reference to the criteria laid down by the OECD for the payment of such allowances to the staff of the Coordinated Organisations.

Article 45

1.- Professional staff members that have not been continuously resident in Italy for at least three years at the date of appointment, shall be entitled to the payment of an expatriation allowance in accordance with the rates laid down in respect of the Coordinated Organisations by the OECD.

2.- The amount of expatriation allowance paid to UNIDROIT staff members shall be subject to monthly deductions beginning in the first month of the fourth year of receipt of the allowance at the rates and under the conditions specified below:

<i>Year of payment of the allowance</i>	<i>Monthly deduction rates (percentage)</i>
Fourth year	20
Fifth year	40
Sixth year	60
Seventh year	80

3.- The entitlement to expatriation allowance of staff members shall cease after the end of the seventh year of service with the Institute.

Article 46

Staff members of UNIDROIT are not entitled to any allowance, benefit, subsidy or other form of supplementary payment not expressly provided for in these regulations.

Article 47

- 1.- Institute staff shall be recruited from among nationals of different countries.
- 2.- The competent authority shall determine recruitment either by way of competitive examination or by any other system it may deem advisable.

Article 48

Appointment of officials and employees selected among candidates not belonging to the Institute shall be provisional at first and become permanent after a six-month probation period unless a decision to the contrary is taken by the competent authority, in which case the official or employee shall be notified accordingly before termination of his probation. During the six-month period the official or employee may be dismissed at any time without notice.

Article 49

- 1.- Without prejudice to the provisions of Article 8 (2) of the Statute, officials and employees may be engaged either for a fixed or for an indefinite period.
- 2.- As a general rule, the Institute shall not retain in its service any member of staff after he has reached the age of 65 years. In special cases, if he considers it to be in the interest of the Institute to do so, the President may continue the service of a member of staff for further periods of one year at a time, with the consent of the Permanent Committee, until the member of staff reaches the retirement age under the applicable insurance scheme.
- 3.- The provisions of the preceding paragraph shall, however, in no way limit the exercise by the Governing Council of its power to appoint the Secretary-General.

Article 50

- 1.- The Institute may avail itself, for a given period of time, of the collaboration of persons not belonging to its staff.
- 2.- The document of appointment of such persons shall set forth their conditions of service and remuneration.

Article 51

The remuneration of officials and employees shall be divided into twelve monthly payments, payable at the end of each calendar month.

Article 52

1.- The Institute shall cover its officials and employees by insurance policies (life, accidents, sickness) at the time of their permanent appointment. In no event, however, shall the premiums payable by the Institute in respect of such policies exceed those which would be payable under the Istituto Nazionale Previdenza Sociale (INPS) scheme.

2.- On expiration of the insurance policy the official or employee shall be entitled to payment of the insured capital or of a life annuity at his option.

3.- On termination of employment for any reason, the official or employee may dispose of his life insurance policy while remaining responsible for full payment of the premium.

4.- In the event of the death of the official or employee, the insured capital shall be paid to his heirs or to the person indicated as his beneficiary.

5.- The amount of the insured capital shall be determined for each category of officials and employees in accordance with their salary scale.

6.- The insurance premiums payable under this article shall be paid by the Institute in respect of officials or employees with permanent contracts, whether such contracts be for a fixed or an indefinite period, for as long as the official or employee remains in the permanent service of the Institute.

7.- A deduction is to be withheld from salaries of the Institute's officials and employees to cover partially the cost of the premium payments for the above insurance.

Article 53

Regular working hours shall be thirty-eight and a half hours a week. The Secretary-General shall fix the hours of work and their distribution between the different days of the week.

Article 54

1.- No official or employee may be absent from the office on sick leave for more than five days without submitting a medical certificate stating the nature of the illness as well as the inability of the official or employee to fulfil his assignment and the expected duration of the illness.

2.- On presentation of a medical certificate, sick leave with full pay or half-pay may be granted in accordance with the following rules:

(a) in the event of an official or employee on probation, the duration of the illness shall be in proportion to the period itself, e.g. 30 working days per year with full pay and 30 working days per year with half-pay;

(b) in the case of a permanent official or employee whose appointment has been finally confirmed, the duration of sick leave shall not exceed a total of eighteen months during four consecutive years, the first nine months being with full pay and the other nine months with half-pay;

3.- In the event of an official or employee becoming totally unfit to carry out his duties he may, provided he is entitled to a pension in respect of such total invalidity, be dismissed by the authority competent for his appointment without the full or half-pay referred to in paragraph 2 of this article.

Article 55

Female officials and employees shall be entitled to six weeks leave before confinement and eight weeks after. Such leave shall not be counted as sick leave.

Article 56

Any official or employee requesting sick leave may be called to submit himself to a medical examination by a doctor appointed to this effect by the Secretary-General.

Article 57

Any official or employee who has obtained during the same calendar year more than nine weeks of sick leave may, if circumstances so require, have his regular annual leave for the year curtailed by a maximum of one half.

Article 58

Whenever an official or employee has completed the period of full pay and half-pay sick leave to which he is entitled in accordance with the provisions of Article 54 of these Regulations, the President may:

- (a) grant a new period of sick leave without pay for a given period;
- (b) terminate the employment of the official or employee because of disability if the President is the competent authority for the official or employee's appointment, or submit a proposal to that effect to the competent authority.

Article 59

- 1.- Officials and employees are entitled to annual ordinary leave of thirty working days.
- 2.- Any official or employee spending all or part of his annual leave in the country where his home is shall be entitled to add to his leave the time required for the roundtrip.
- 3.- Any official or employee who marries shall be entitled to ten working days marriage leave.
- 4.- Leave may likewise be granted to an official or employee in the case of death or serious illness of next of kin.

Article 60

- 1.- The Permanent Committee shall grant leave of absence to an official or employee requesting it if it judges such a request to be reasonable, and on condition that it does not interfere with the requirements of the Institute's operation.

2.- The official or employee concerned may under no circumstances receive his salary from the Institute or benefit from the provisions of Articles 44, 52, 62, or 70, paragraph 1 during the period of leave.

3.- The total amount of leave of absence granted to an official or employee of the Institute shall not exceed twelve months.

Article 61

All leave arrangements shall be subject to the requirements of the Institute's operation.

Article 62

1.- The Institute shall pay for the travel expenses, by the most direct route, of an official whom it has engaged from his place of residence at the time of appointment to the place where he is called to perform his duties.

2.- Any permanent official is entitled every two years to a free round trip under the same conditions as set forth in the preceding paragraph, from the place where he performs his duties to the locality where his home is located, for the purpose of spending his holidays there.

3.- The Secretary-General shall determine in all cases the place to be considered for the purpose of this article as the homeplace of the official, regard being had to his nationality and to his personal situation at the time he was engaged.

4.- Any official whose appointment has been confirmed during the probation period is entitled to a refund of travel expenses for his family and for the cost of transporting his furniture and chattels from the usual place of residence at the time of his appointment to the place where he is called upon to perform his duties. The word "family" shall mean the official's wife and children totally supported by him. Under exceptional circumstances a refund may also be granted in respect of other persons whom the incumbent supports totally, by statement to this effect issued by the Permanent Committee.

5.- Any permanent official leaving the employment of the Institute is entitled to a refund of the travel expenses incurred by him to return to the place where he normally resided at the time of his appointment. If he has spent five years at least in the employment of the Institute, he shall be entitled to reimbursement of travel expenses for his family and the cost of transporting his furniture and chattels. The President may however inquire as to whether this benefit should also be granted in the case of resignation before completion of five years service.

6.- Should an official die while in office, the refund shall be granted to the members of his family returning to their country of origin.

7.- The words "travel expenses" also include the cost of transportation of a reasonable quantity of personal luggage.

8.- Refunds envisaged by this article shall, however, never exceed the amounts set forth in each case by the Governing Council or, in urgent cases, by the Permanent Committee.

Article 63

1.- The competent authority may terminate the contracts of officials and employees before the expiry of such contracts if a reduction in staff is administratively required even for one category only, provided six months notice is given.

2.- In cases contemplated by the preceding paragraph the Permanent Committee may award an indemnity for loss of job which shall in no circumstances exceed six months' salary as calculated on the day the official or employee leaves the service of the Institute. This indemnity shall not however be payable to officials or employees referred to in Article 67, paragraph 1 of these Regulations.

3.- The indemnity provided for in paragraph 2 of this article shall not be payable to an official or employee whose contract has been terminated because of serious fault or negligence by a decision of the authority competent for his appointment.

4.- In urgent cases the power referred to in the preceding paragraph may be exercised by the President in respect of general service officials classified in GS-3 to GS-7 posts, subject to ratification by the Permanent Committee.

Article 64

1.- If either the work or the behaviour of an official or employee or the ability displayed are unsatisfactory, the Permanent Committee may decide, on a proposal by the Secretary-General, that the periodical increment to which the official or employee would otherwise be entitled be postponed by one year.

2.- If the inefficiency of the official or employee has become manifest and his work output has proved to be inadequate, the Permanent Committee may terminate the employment of the official or employee. In such cases the official or employee shall not be entitled to the indemnity referred to in Article 63, paragraph 2 of these Regulations.

3.- The termination notice in cases covered by the present article shall be submitted to the official or employee at least three months in advance. The reason for termination shall be duly brought to the knowledge of the party concerned.

Article 65

1.- The Secretary-General shall handle all matters of discipline. He shall have authority to inflict the following sanctions on any official or employee found guilty of serious fault or voluntary negligence in the performance of his duties:

- 1) a written reprimand;
- 2) reduction in pay for a given period;
- 3) simple suspension from office or suspension from office and pay for a given period.

2.- The duration of the sanctions mentioned in the preceding paragraph shall not exceed two months and the sanctions themselves may be applied only after approval by the Permanent Committee, before which the official or employee shall be called to appear.

3.- The personal file set up for each official and employee shall contain the original documents or certified copies of documents pertaining to his appointment, notes on his service and his behaviour, administrative action taken with regard to him and official inquiries made on him.

4.- This personal file may be consulted by the official or employee at his request.

Article 66

Any official or employee, former official or employee or rightful claimant to his estate who wishes to bring any claim against the Institute must do so in writing to the Secretary-General within the following time limits:

(i) in respect of claims based on occurrences alleged to have taken place prior to the entry into force of this article, within two years of such entry into force being brought to the knowledge of the claimant;

(ii) in respect of claims based on occurrences alleged to have taken place after the entry into force of this article, within two years of that occurrence coming to the knowledge of the claimant.

Article 67

All contracts entered into by the Institute with its staff shall contain a clause providing for the jurisdiction of the Administrative Tribunal in accordance with the provisions set forth in Article 7^{bis} of the Statute.

Article 68

The provisions of article 45, paragraphs 2 and 3, apply only from 1 January 2012 to staff members appointed after 1 January 2008 in accordance with article 40, paragraph 1.

PART FOUR

TRANSITORY PROVISIONS

(applicable to permanent officials or employees in service on 31 December 1976)

Article 69

1.- Without prejudice to the provisions contained in Article 49, paragraph 3 of these Regulations, the Institute shall not retain in its service any member of staff after he has attained the age of 65 years.

2.- Notwithstanding the provisions of Article 62, paragraph 8 of these Regulations, payment of the insurance premiums referred to in Article 50 taken out in respect of Categories B and C officials and employees shall be borne entirely by the Institute.

3.- Notwithstanding the provisions of Article 64, paragraph 3 of these Regulations, the termination notice in cases covered by that article shall be submitted to the official or employee at least six months in advance. The reasons for termination shall be duly brought to the knowledge of the party concerned.

4.- The provisions of Article 39, paragraph 4 of these Regulations shall not apply to officials and employees occupying Category BI or CI positions on 31 December 1976 under the Regulations then in force. Such officials and employees shall remain entitled, as from that date, to a maximum of twenty periodical increments of 3% every year calculated by reference to the basic salaries as adjusted in accordance with the provisions of Article 41, paragraph 3 of these Regulations. In the event, however, of any Category C employee being promoted to Category B, such employee shall become subject to the provisions of Article 39, paragraph 4 of these Regulations.

Article 70

1.- Categories B and C officials or employees terminating their service for causes not due to any fault or negligence on their part shall, subject to the provisions of Article 41, paragraph 4 of these Regulations, be entitled to an indemnity equivalent to one month's salary for every year of service, without prejudice to the benefits to which they are entitled in accordance with their contracts. A fraction of a year shall be calculated as a full year whenever it exceeds six months.

2.- Category A officials shall not be entitled to indemnities under the present article.

3.- In the event of death, an indemnity equal to that to which the official or employee would have been entitled in accordance with the provisions set forth in the first paragraph of the present article shall be granted, without prejudice to the allowance or income due under the insurance, to:

- (a) the surviving spouse;
- (b) the surviving children and, by representation, the descendants of predeceased children.

4.- The indemnity shall be shared in two equal portions between the two foregoing categories.

5.- Should there be no survivor in the two foregoing categories, the indemnity shall be granted in accordance with the provisions governing legitimate succession in the country of which the official or employee was a national.

6.- In all cases contemplated in the previous paragraphs of this article, the Permanent Committee shall be authorised to deduct from the indemnity due to the assignees such amount as may be deemed just and fair to be granted as benevolent assistance to those of the relatives to the second degree of the deceased and to those of his relatives by marriage who were supported by and lived together with him.

7.- A contract with an official or employee may be terminated, without the indemnity referred to in paragraph 1 of this article, in the event of serious fault or negligence, by a decision of the authority competent for his appointment.

8.- In urgent cases, this power may be exercised by the President in respect of Category B officials and employees, subject to ratification by the Permanent Committee.

9.- Any official or employee who has submitted his resignation shall be entitled to the indemnity only if he has completed at least ten years service.

10.- The same right shall be granted to an official or employee leaving the employment of the Institute at the age limit prescribed in Article 69, paragraph 1 of these Regulations.

11.- If the inefficiency of an official or employee has become manifest and his work output has proved to be inadequate, the Permanent Committee may terminate his employment, having regard however to his legitimate interests as guaranteed by these Regulations.

**(applicable to permanent officials or
employees in service on 31 December 2017)**

Article 71

1.- As of 1 January 2018, the staff of the Institute is to be transitioned to the applicable salary scales of the United Nations. No staff is to face a decrease in remuneration as a result of the transition. Staff are to be assigned to the grade and step that provides a salary closest to, but not below, their current salary, taking into consideration, if applicable, the allowances provided under Article 44.

2.- Category A staff are to be placed on the salary scales referred to in Articles 40, paragraph 1 and 41, paragraph 1, for professional staff. For those Category A staff who are entitled to an expatriation allowance that is not subject to the monthly deductions and cessation set out in Article 45, paragraphs 2-3, that allowance is to be incorporated into the gross salary for purposes of assigning – as described in paragraph 1 – the grade and step and thus will no longer be a separate allowance. For all other Category A staff, Article 45 remains applicable.

3.- Categories B and C officials or employees are to be placed on the salary scales referred to in Article 40, paragraph 2.

4.- Consistent with Article 41, paragraph 2, the “total net” salaries on the respective salary scales are to be used.

RULES GOVERNING THE WORKING CAPITAL FUND (*)

Article 1

The purpose of the Working Capital Fund (hereafter referred to as "the Fund") instituted by Article 16 of the Statute of the Institute shall be to cover normal expenditure for which provision has been made in the budget, pending receipt of the ordinary annual contributions payable by member States.

Article 2

The total amount of the Fund shall be fixed at, and shall not exceed, a sum equivalent to two month's ordinary expenditure.

Article 3

The assets of the Fund shall be composed of:

- (a) the sums contained in the Fund on 31 December 1991;
- (b) sums corresponding to the outstanding initial contributions to the Fund due under the terms of Resolution 15(2) of the General Assembly by States which acceded to the Institute before 1 January 1992;
- (c) contributions of States acceding to the Institute after 31 December 1991 which shall be equivalent to one quarter of the first ordinary contribution of such States to the budget of the Institute as determined by the General Assembly in accordance with Article 16 of the Statute;
- (d) interest accruing to the assets of the Fund;
- (e) such cash surpluses available at the close of any financial year attributable to the discharge of arrears in contributions to the budget as are necessary to maintain the Fund at the level referred to in Article 2 of these Rules.

Article 4

- 1.- The assets of the Fund shall remain the property of the member States.
- 2.- Any contribution which has or shall be made to the Fund by a member State shall be identified as belonging to that State.
- 3.- Contributions to the Fund under Article 3(d) and (e) of these Rules shall be deemed to have been made by each member State in proportion to the percentage of its assessed contribution to the budget for the financial year during which the interest or surplus was accumulated, on condition that, at the close of the financial year in question, that State has discharged in full its obligations to the budget and to the Fund.

* Adopted by the General Assembly at its 45th session on 26 November 1991; these rules have been incorporated in the Regulations of the Institute in accordance with Article 16, paragraph 10 of the Statute.

Article 5

1.- Any State withdrawing from the Institute in conformity with the provisions of Article 20 of the Statute shall be entitled to repayment of its share in the assets of the Fund as determined under Article 4 of these Rules, subject to any right of set-off arising from that State's failure to discharge its financial obligations to the Institute.

2.- The provisions of paragraph 1 of this article shall apply *mutatis mutandis* in the event of the abolition of the Fund in accordance with Article 9 of these Rules or the winding up of the Institute, always provided that if the Fund is unable to meet its liabilities in full, repayment shall be made to States on a pro rata basis.

Article 6

The assets of the Fund shall be maintained in a special bank account.

Article 7

1.- The Fund may only be drawn upon if delay in the receipt of the ordinary annual contributions of member States makes it impossible to cover expenditure for which provision has been made in the budget.

2.- The Fund shall be reconstituted as soon as the receipt of ordinary annual contributions from member States renders this possible.

Article 8

The administration and accounts of the Fund shall be subject to the relevant provisions of Part Two of the Regulations of the Institute.

Article 9

The Fund may be abolished by the General Assembly by a Resolution adopted in accordance with Article 16, paragraph 10 of the Statute.

ANNEX II

**REGULATIONS ON TRAVEL AND RESIDENCE ALLOWANCE
SCALES**

Article 1

1.- The officials and employees of the Institute Secretariat on official mission shall receive, during the period of their mission, a residence allowance to be calculated to the basis of the scales for official journeys applicable to the coordinated Organisations as published by the OECD.

2.- When the State to be visited is not specified in these scales the allowance fixed for the United States of America shall be applicable.

Article 2

The President and the Members of the Governing Council, the Chairman and Members of the Study Groups appointed by the Institute or their duly appointed representatives and the Members of the Administrative Tribunal shall receive for the duration of each session of the Council, of the Groups or of the Tribunal, an allowance equal to that provided for in respect of Group 1 officials by the scales for official journeys applicable to the coordinated Organisations and published by the OECD.

Article 3

The foregoing allowances shall also be paid for each period of 24 hours to be calculated from the time of departure to that of arrival at the end of the return journey.

Article 4

1.- The persons referred to in Articles 1 and 2 of the present ANNEX shall be entitled to refund of travel expenses as follows:

- 1) first class rail ticket and sleeping-car accommodation for persons mentioned under Article 2 and for professional staff officials;
- 2) first class rail tickets for general service staff officials;
- 3) sleeping-car tickets for all officials shall be reimbursed only upon submission of evidence that the night trip was actually required. Use of the sleeping-car by general service staff officials shall be previously authorised.
- 4) tourist class air-line tickets for professional staff officials and for persons mentioned under Article 2;
- 5) luggage transport expenses: luggage shall be limited to personal effects and material required for the work of the Institute.

2.- All other travel expenses (taxi-cab, restaurant, car, etc.) shall be covered by the residence allowance payable to the person, official or employee concerned.

3.- Travel shall always be effected by the shortest route.

4.- The Secretary-General may authorise a higher standard of travel accommodation if:

- (a) the origin and/or destination of the travel are outside Europe;
- (b) the scheduled flight time, including stopovers and change of planes, is in excess of 14 hours;
- (c) the person travelling is required to report to duty the following day or sooner;

and

- (d) the use of a higher standard of travel accommodation results in an overall cost savings to the Institute by avoiding additional subsistence costs, overtime, or lost productive time.

Article 5

Persons other than Institute personnel requested to accomplish a mission outside Rome shall receive the same residence allowance and travel expenses as those payable to Group 1 officials under the scale published by the OECD.

Article 6

All travel shall be authorised by the Institute's Secretary-General.

ANNEX III

**REVISED STAFFING TABLE ADOPTED BY THE GENERAL ASSEMBLY OF UNIDROIT AT ITS
76th SESSION HELD IN ROME ON 7th DECEMBER 2017**

Professional staff

Secretary-General	D1-D2
Deputy Secretary-General	P5-D1
Principal Officer	P5
Senior Officer	P4-P5
Senior Officer	P4-P5
Senior Officer	P4-P5
Legal Officer	P2-P4
Legal Officer	P2-P4

General service staff

Librarian
Cashier/Treasurer
Secretary
Secretary
Secretary
Assistant Librarian
Translation and Publications Assistant
Information Technology Assistant
Meetings and Logistics Assistant

Administrative Assistant
Administrative Assistant
Administrative Assistant