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C(2016) 1881 final

ANNEX 3

ANNEX

to the

Commission Decision

amending Decision C(2013)3288 of 4 June 2013 on the exercise of powers conferred by the Staff Regulations on the appointing authority (AIPN) and by the Conditions of Employment of Other Servants on the authority empowered to conclude contracts of employment

ANNEX III TO COMMISSION DECISION C(2013)3288 as amended by Commission Decisions C(2013)9056, C(2014)2534, C(2014)9864 and XXX

AIPN/AHCC TABLES for the staff of OLAF

Key

| | |
|----------------|---|
| DG OLAF | Director-General of OLAF (unless his or her service has been terminated, Art 47 SR) |
| DGA | Deputy Directors-General and equivalent |
| CHC | Advisers Hors Classe and equivalent |
| D | Directors and equivalent |
| CP | Principal Advisers and equivalent |
| CL | Advisers and equivalent, except SE |
| CU | Heads of Unit and equivalent (CU13/14, CU9/14: posts fixed at levels AD13/AD14 and AD9/AD14 respectively) |
| SE | Senior Experts (staff members assigned to the type of post "Adviser or equivalent" who do not appear in the organisation chart) |
| ADM | All persons in function group AD who do not belong to one of the above categories. However, SE are included where no special delegation of powers is provided for regarding SE for the same subject. |
| AST | All persons in function group AST (AST 1 - AST 11) or AST/SC (AST/SC 1 - AST/SC 6). Where a grade is added, reference is made only to function group AST. |
| AST/SC | All persons in function group AST/SC (AST/SC1 - AST/SC6) |

SR = Staff Regulations; **CEOS** = Conditions of Employment of Other Servants; **AIPN** = Appointing Authority; **AHCC** = Authority empowered to conclude contracts of employment; **Ann** = Annex(es) to the Staff Regulations; **Art** = Article(s); **para** = paragraph(s); **subpara** = subparagraph(s); **DG** = Directorate-General

Where function types are mentioned in a merged cell belonging to both the columns "Director-General for Human Resources and Security" and "Director-General OLAF", this means that the **powers in question are exercised jointly** by those two Directors-General. Each of them can subdelegate their powers pursuant to Art 6 of the present decision.

The Commission acts as **AIPN/AHCC with respect to the Director-General of OLAF**. Powers can only be exercised by delegation in the specific cases explicitly mentioned in the following tables ("DG OLAF"). This does not apply to former Directors-General of OLAF, who share the status of other former Directors-General.

The Director-General of OLAF shall consult the Chairman of the Supervisory Committee before exercising the AIPN/AHCC powers in respect of resources allocated to the **secretariat of the Supervisory Committee**. The Director-General of OLAF shall give reasons when departing from the opinion given by the Chairman of the Supervisory Committee.

Simplified procedure: in agreement with the President and with the Member of the Commission responsible for human resources.

The **Director-General for Human Resources and Security** is authorised (with the possibility of subdelegation) to sign all decisions adopted by the Commission, one of its Members or a Director-General concerned as Appointing Authority or Authority Empowered to Conclude Contracts of Employment.

Where a **decision requires agreement from another department**, an administrator or team leader in the competent unit of that department is authorised to give the agreement, save as otherwise laid down by the Director-General or Head of Department.

ANNEX III - AIPN TABLES (OLAF)

I A FILLING VACANT POSTS*

| Numbering | SUBJECT | Articles in the Staff Regulations | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director-General OLAF | Director EPSO |
|-----------|--|---|-------------------------------|--|---|--|---------------|
| 1. | Vacancy notice: | | | | | | |
| 1.1. | - determination of level | 4(2nd para) | DG OLAF-DGA-CHC-D-CP | | | CU[9]-ADM-AST | |
| 1.2. | - decision to publish internal vacancy notice | 4(2nd para) | | | | DGA[1]-CHC[1]-D[1]-CP[1]-CU-CL-ADM-AST | |
| 1.3. | - decision to publish interinstitutional vacancy notice | 4(3rd para) | | | | DGA[1]-CHC[1]-D[1]-CP[1]-CU-CL-ADM-AST | |
| 2. | Procedure for filling a vacant post: | | | | | | |
| 2.1. | - promotion | 29(1)(a)(iii) | | | | All grades/functions [1a] | |
| 2.2. | - appointment in accordance with Art 45a SR | 29(1)(a)(ii) | | | AST 5/11[7] | | |
| 2.3. | - transfer to OLAF from another DG (at official's request) [8] | 29(1)(a)(i) | | | | DGA[1]-CHC[1]-D[1]-CP[1]-CL/CU13/14[1]-CU9/14[3][10]-ADM-AST | |
| 2.4. | - transfer within OLAF (at official's request) [8a] | 29(1)(a)(i) | | | | DGA[1]-CHC[1]-D[1]-CP[1]-CL/CU13/14[1]-CU9/14[3][10]-ADM-AST | |
| 2.5. | - transfer to OLAF from another DG (reassignment in the interest of the service) [5][12] | 7(1) | | | | DGA[1]-CHC[1]-D[1]-CP[1]-CU/CL[4][6]-ADM-AST | |
| 2.6. | - transfer within OLAF (reassignment in the interest of the service) [11] | 7(1) | | | | DGA[1]-CHC[1]-D[1]-CP[1]-CL/CU[4][6]-ADM-AST | |
| 2.7. | - transfer from another Institution (to OLAF in the Commission) [8] | 29(1)(b)+97+98(2) | | | | DGA[1]-CHC[1]-D[1]-CP[1]-CU-CL-ADM-AST | |
| 3. | Appointment following a competition (including determination of grade and date of entry into service) | 29(1); 30(2nd para); 7(1); 31(1st para); Ann XIII Art 5, 12, 13 | | | | All grades/functions | |
| 4. | Recruitment otherwise than by competition | 29(2) | DGA-CHC-D-CPI2]-CL/CU-ADM-AST | | | | |

*Special additional rules apply as far as the appointment of the Director-General is concerned: Art 4(1) of Commission Decision 1999/352/EC, ECSC, Euratom.

[1] Simplified procedure.

[1a] Simplified procedure, except for SE and AST10.

[2] If decision after internal publication: simplified procedure.

[3] Where referred to the CCA: modification of Appointing Authority as stipulated in Commission Decisions C(2008)5028 and C(2008)5029.

[4] For reassignment of a CU to a non-management post or of a CL to a post not appearing on the organisation chart, under the terms and procedure laid down in Commission Decisions C(2008)5028 and C(2008)5029.

[5] In the case of an official who has acted in accordance with the whistleblowing procedures, the decision on transfer is taken by the Director-General for HR and Security (in agreement with OLAF).

[6] For the reassignment of advisers to a management post: simplified procedure.

[7] AST without restriction.

[8] Decisions comprising a change of place of employment shall require agreement by DG HR.

[8a] Decisions comprising a change of place of employment shall be taken after consulting DG HR.

[9] For CU 13/14 in agreement with DG HR.

[10] After information/consultation of the Member of the Commission responsible for OLAF.

[11] Including change of the place of employment defined for a vacant post or for an occupied post when the decision is not linked to an appointment or transfer, in the interest of the service or at the official's request. Decisions by the Director-General of OLAF comprising a change of place of employment shall be taken after consulting DG HR.

[12] In agreement with DG HR.

ANNEX III - AIPN TABLES (OLAF)

IB COMPETITIONS

| Numbering | SUBJECT | Articles in the Staff Regulations | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director-General OLAF | Director EPSO |
|-----------|--|-----------------------------------|-----------------|--|---|-----------------------|----------------------|
| 1. | Competitions, adoption of notice: | | | | | | |
| 1.1. | - internal competitions | 29(1) + Ann III Art 1 | DGA-CHC-D-CP | | CL/CU-ADM-AST | | |
| 1.2. | - open competition for the Commission | 29(1) + Ann III Art 1 | DGA-CHC-D-CP | | CL/CU-ADM-AST | | |
| 1.3. | - interinstitutional competitions | 29(1) + Ann III Art 1 | DGA-CHC-D-CP[1] | | | | CL/CU-ADM-AST |
| 2. | Adoption of application form | Ann III Art 2 | | | | | All grades/functions |
| 3. | Appointment of chair and members of selection board: | | | | | | |
| 3.1. | - for competitions for the Commission | Ann III Art 3 | | | All grades/functions | | |
| 3.2. | - for interinstitutional competitions | Ann III Art 3 | | | | | All grades/functions |
| 4. | Drawing up of lists of candidates fulfilling the criteria laid down in Art 28 (a) - (c) SR: | | | | | | |
| 4.1. | - for competitions for the Commission | Ann III Art 4 | | | All grades/functions | | |
| 4.2. | - for interinstitutional competitions | Ann III Art 4 | | | | | All grades/functions |

[1] If the Commission is the institution responsible (having received delegation of Appointing Authority powers from the other participating institutions). If one of the other institutions takes the lead, the relevant Appointing Authority powers are delegated to this institution.

ANNEX III - AIPN TABLES (OLAF)

II RECRUITMENT

| RECRUITMENT | | | | | | |
|-------------|---|-----------------------------------|--------------|--|---|-----------------------|
| Numbering | SUBJECT | Articles in the Staff Regulations | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director-General OLAF |
| 1. | Exemption from the requirement of being a national of a Member State | 28(a) | DGA-CHC-D-CP | CL/CU | ADM-AST | |
| 2. | Determination of step | 32; Ann XIII Art 5, 7, 13 | | | | All grades/functions |
| 3. | Pre-recruitment medical examination, including notably: | 33 | | | All grades/functions | |
| 3.1. | - composition of the medical committee | 33(2nd para) | | | | |
| 4. | Probationary period: | | | | | |
| 4.1. | - reassignment during probationary period, extension of probationary period | 34 | | | | All grades/functions |
| 4.2. | - establishment | 34 | | | | All grades/functions |
| 5. | Suspension of admission to benefits in respect of invalidity or death | Ann VIII Art 1 | | | All grades/functions | |

ANNEX III - AIPN TABLES (OLAF)

III CAREER

| Numbering | SUBJECT | Articles in the Staff Regulations | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director-General OLAF |
|-----------|---|--|--|--|---|------------------------------|
| 1. | Type of post, determination or assignment otherwise than by transfer | Art 30(2) and Art 31(2) of Ann XIII to the SR, Art 5(4) SR | | | All grades/functions, DG OLAF | |
| 1a. | Temporary posting | 7(2) | | | All grades/functions [1] | |
| 2. | Promotion: | | | | | |
| 2.1. | - drawing up of lists of promoted officials | 45(1) | | | | All grades/functions |
| 2.2. | - determining the consequences of a promotion (including promotion through procedure under Art 29 SR) | Ann XIII Art 7 | | | All grades/functions | |
| 3. | Appointment following a "change of category" competition (lists of successful candidates published before 1.5.2006) | Ann XIII Art 5(2) | | | | AST-ADM |
| 4. | Certification: | | | | | |
| 4.1. | - determine the number of officials authorised to follow the training course and publish the call for applications | 45a(2) | | | AST 5/11 | |
| 4.2. | - adopt and publish the list of officials admitted | 45a(2) | | | AST 5/11 | |
| 4.3. | - adopt and publish the list of pre-selected officials | 45a(2) | | | AST 5/11 | |
| 4.4. | - adopt and publish the list of officials authorised to take part in the training programme | 45a(2) | | | AST 5/11 | |
| 4.5. | - publish the list drawn up by EPSO of officials who have passed the written and oral tests [5] | 45a(1) (c) | | | AST 5/11 | |
| 5.1. | Secondment in the interest of the service | 37(1st para)(a); 38 | | | | All grades/functions [4][4a] |
| 5.2. | | | For the Head and the Deputy Heads of the European Political Strategy Centre (EPSC), the European Commission Chief Spokesperson, the Deputy Chief Spokespersons and the Coordinating Spokespersons this power is delegated to the President. The Directorate-General of origin is informed. | | | |
| 5.3. | | | For the Team Leaders in the EPSC this power is delegated to the Head of the EPSC, acting in agreement with the President. The Directorate-General of origin is informed. | | | |
| 5.4. | | | For Heads and Deputy Heads of Cabinet and for the Director of Coordination and Administration in the President's Cabinet this power is delegated to the Member of the Commission responsible for human resources, acting in agreement with the President. The Directorate-General of origin is informed. | | | |

Cont.

ANNEX III - AIPN TABLES (OLAF)

III CAREER

| Numbering | SUBJECT | Articles in the Staff Regulations | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director-General OLAF |
|------------|--|-----------------------------------|--------------|--|---|--------------------------|
| 6. | Secondment on request: | | | | | |
| 6.1. | - granting, extension, modification | 37(1st para)(b); 39 | | | | All grades/functions |
| 6.2. | - reinstatement | 39(f) | DGA-CHC-D-CP | | CL/CU-ADM-AST | |
| 6a. | Exemption for trade union / staff committee purposes: | | | | | |
| 6a.1. | - granting, extension, modification | 9, 24b | | | All grades/functions | |
| 6a.2. | - reinstatement | | | | All grades/functions | |
| 7. | Leave on personal grounds: | | | | | |
| 7.1. | - granting, extension | 40 | | | | All grades/functions [2] |
| 7.2. | - reinstatement [6] | 40 | | DGA-CHC-D-CP | CL/CU-ADM-AST | |
| 7a. | Leave in the interests of the service: | | | | | |
| 7a.1. | - placing on leave | 42c | | | CL/CU-ADM-AST | |
| 7a.2. | - reinstatement | | DGA-CHC-D-CP | | CL/CU-ADM-AST | |
| 8. | Non-active status | 41 | | all grades/functions | | |
| 9. | Leave for military service | 42(1st para) | | | | All grades/functions |
| 10. | Classification in a lower grade due to incompetence | 51 | DGA-CHC-D-CP | | CL/CU-ADM-AST[3] | |
| 11. | Additional step linked to function | 44(2), 46 | | | DG OLAF-DGA-D-CU | |

[1] After Joint Committee opinion for temporary posting as CU.

[2] Where an outside activity or assignment is to be exercised during the period of leave on personal grounds, the Appointing Authority decides after consulting DG HR.

[3] The powers are exercised jointly by the Director-General for HR and Security, the Director-General OLAF and a third agent designated by the Secretary-General from amongst Directors-General or Deputy Directors-General. The joint decision is taken by a majority of these three members of the tripartite AIPN.

[4] In the case of secondment as a Member of Cabinet (including Cabinet experts and Communication Advisers), of EPSC or of the Spokesperson's Service the President's Cabinet is informed.

[4a] In the case of secondment as Spokesperson or Press Officer or as Head of Unit in the Spokesperson's Service, the AIPN acts in agreement with the European Commission Chief Spokesperson and with the President. In the case of secondment as Spokesperson for the Vice-President/High Representative, the AIPN acts in agreement with the latter and with the European Commission Chief Spokesperson. The Directorate-General of origin is informed.

[5] The delegation of the power for establishing the list of officials who have passed the written and oral tests is set out in the general implementing provisions giving effect to Art 45a SR (see currently Art 10(1) of Commission Decision C(2013)6859 final, Administrative Notice No 42-2013).

[6] Including assessment and measures regarding conflicts of interest pursuant to Art 11(4th para) SR. In the case of reinstatement at OLAF, these decisions are taken in agreement with OLAF.

ANNEX III - AIPN TABLES (OLAF)

IV TERMINATION OF SERVICE

| Numbering | SUBJECT | Articles in the Staff Regulations | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director-General OLAF |
|-----------|---|-----------------------------------|--|--|---|-----------------------|
| 1. | Dismissal during or at the end of probationary period | 34 | DGA-CHC-D-CP | | CU[1][2]/CL[2]-ADM[2]-AST | |
| 2. | Resignation on request | 48 | DGA-CHC-D-CP | | CL/CU-ADM-AST | |
| 3. | Compulsory resignation | 49 | DGA-CHC-D-CP | | CL/CU[2]-ADM[2]-AST | |
| 4. | Retirement in the interests of the service | 50 | DGA-CHC-D-CP | | | |
| 5. | Dismissal for incompetence | 51 | DGA-CHC-D-CP | | CL/CU-ADM-AST[3] | |
| 6. | Early retirement on request | 52(1st para)(b) + Ann VIII Art 9 | | | All grades/functions, DG OLAF | |
| 7. | Continuing to work beyond legal retirement age | 52(2nd and 3rd para) | | DGA-CHC-D-CP-CL-CU | ADM-AST | |
| 8. | Invalidity | 53 | | | All grades/functions, DG OLAF | |
| 9. | Honorary rank | 54 | This power is delegated to the Member of the Commission responsible for human resources. [4] | | | |

[1] Under the terms and procedure laid down in Commission Decision C(2008)5028.

[2] For CL/CU and ADM, these powers are exercised after consulting the Member responsible for human resources.

[3] The powers are exercised jointly by the Director-General for HR and Security, the Director-General OLAF and a third agent designated by the Secretary-General from amongst Directors- General or Deputy Directors-General.
The joint decision is taken by a majority of these three members of the tripartite AIPN.

[4] In accordance with the procedure outlined in Art 5 of Commission Decision C(2012)3192 final.
The power is exercised by the President in the cases referred to in Art 4 of that decision.

ANNEX III - AIPN TABLES (OLAF)

V RIGHTS AND OBLIGATIONS

| Numbering | SUBJECT | Article of the Staff Regulations | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director-General OLAF |
|-----------|--|----------------------------------|------------|--|---|--------------------------|
| 1. | Permission to accept: | | | | | |
| 1.1. | - a payment | 11(2nd para) | | | DG OLAF[3] | All grades/functions |
| 1.2. | - a favour or a gift | | | | DG OLAF[3] | All grades/functions |
| 1.3. | - an honour or a decoration | | | | DG OLAF[3] | All grades/functions |
| 2. | Assessment of personal interest (including in the context of recruitment) | 11a(2) | | | | All grades/functions |
| 3. | Permission to engage in an outside activity or carry out an assignment | 12b | | | | All grades/functions [4] |
| 4. | Assessment of spouse's gainful employment | 13 | | | DG OLAF[3] | All grades/functions |
| 5. | Assessment of situation of official standing for or elected or appointed to public office | 15 | | | DG OLAF[3]-DGA-CHC-D-CP-CL/CU-ADM-AST | |
| 6. | Publication of texts / documents | 17a(2) | DG OLAF[1] | | | All grades/functions |
| 7. | Permission to disclose information in legal proceedings | 19(1st para) | DG OLAF[1] | | | All grades/functions |
| 8. | Observation of privileges and immunities | 23(2nd para) | | | DG OLAF | All grades/functions |
| 9. | Laissez-passer as required in the interest of the service | 23(3rd para) | | | CL-ADM-AST | |
| 10. | Request for assistance | 24 | | | DG OLAF[3] | All grades/functions |
| 11. | Complaints | 90(2) | | | DG OLAF[3] | All grades/functions [2] |

[1] The Commission delegates this power to the Member of the Commission responsible for OLAF.

[2] If the contested decision was taken (only) by DG HR or by PMO, the Appointing Authority is the Director-General for HR and Security. If the contested decision was taken at the level of the Director-General for HR and Security with no subdelegation or by a tripartite Appointing Authority: the Appointing Authority in this case is the Commissioner responsible for human resources. If the contested decision was taken by a Member of the Commission or by the College: the Commission is the Appointing Authority. For interinstitutional competitions the Director of EPSO is the Appointing Authority.

[3] Simplified procedure. However, where the Commission is Appointing Authority pursuant to FN 2, the latter applies.

[4] Where the outside activity or assignment is to be exercised during a period of leave on personal grounds, the Appointing Authority decides after consulting DG HR.

ANNEX III - AIPN TABLES (OLAF)

VI. DISCIPLINE (Administrative investigation, disciplinary proceedings) and personal liability in cases of serious misconduct

| Numbering | SUBJECT | Articles in the Staff Regulations | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director-General OLAF |
|-----------|---|---------------------------------------|---|--|---|-----------------------|
| 1. | Opening of an administrative investigation | Ann IX Art 2(1) | DG OLAF | | For all other officials (AD16-AST/SC1): Director-General of Human Resources and Security in agreement with the Secretary- General | |
| 2. | Postponement of hearing in the context of an administrative investigation in cases of absolute secrecy | Ann IX Art 2(1) + 1(2) | | | For all officials (DG OLAF; AD16-AST/SC1): Secretary-General in agreement with the Director-General for Human Resources and Security | |
| 3. | Informing the official concerned when an administrative investigation is closed with no further action taken | Ann IX Art 2(1) + 1(3)+ 29 | | | For all officials (DG OLAF; AD16-AST/SC1) | |
| 4. | Informing the official concerned when an administrative investigation ends and communicating to him/her the conclusions of the investigation report and other documents | Ann IX Art 2(2) | | | For all officials (DG OLAF; AD16-AST/SC1) | |
| 5. | Preliminary hearing and initiation of disciplinary proceedings | Ann IX Art 3 | DG OLAF[5] | AD16-AD14[1][2] | AD14-AST/SC1 | |
| 6. | Referring cases to the Disciplinary Board | Ann IX Art 12 | DG OLAF | AD16-AD14[2] | AD14-AST/SC1 | |
| 7. | Withdrawing a case from the Disciplinary Board | Ann IX Art 14 | DG OLAF | AD16-AD14[2] | AD14-AST/SC1 | |
| 8. | Representation of the Appointing Authority before the Disciplinary Board | Ann IX Art 16(2) | For all officials (DG OLAF; AD16-AST/SC1): the Director of IDOC or his/her representative [3] | | | |
| 9. | Hearing preceding a possible penalty without referring the case to the Disciplinary Board or after withdrawing it from the Board | Ann IX Art 11 + 14(2nd para) | DG OLAF[5]; AD16-AD14[2][5] | | AD14-AST/SC1 | |
| 9a. | Hearing preceding a possible penalty after referring the case to the Disciplinary Board | Ann IX Art 22(1) | DG OLAF[5]; AD16-AD14[2][5] | | AD14-AST/SC1: these powers are exercised jointly by the Director-General for Human Resources and Security, the Director-General OLAF and a third agent designated by the Secretary-General from amongst Directors-General or Deputy Directors-General. The joint decision is taken by a majority of these three members of the tripartite AIPN. | |
| 10. | Penalty without referring the case to the Disciplinary Board or after withdrawing it from the Board | Ann IX Art 9 + 10 + 11 + 14(2nd para) | AD16-AD14 [2] | | AD14-AST/SC1[4] | |
| 10a. | Penalty after referring the case to the Disciplinary Board | Ann IX Art 9 + 10 + 22 | AD16-AD14 [2] | | AD14-AST/SC1: these powers are exercised jointly by the Director-General for Human Resources and Security, the Director-General OLAF and a third agent designated by the Secretary-General from amongst Directors-General or Deputy Directors-General. The joint decision is taken by a majority of these three members of the tripartite AIPN. | |
| 11. | Reimbursement of expenses | Ann IX Art 21 | | | For all officials (DG OLAF; AD16-AST/SC1) | |
| 12. | Where case is closed without imposing any disciplinary penalty: informing the official concerned and, where appropriate, suitable publicity for this decision | Ann IX Art 22(2) + 29 | | | For all officials (DG OLAF; AD16-AST/SC1) | |
| 13. | Reopening of disciplinary proceedings where new facts come to light | Ann IX Art 28 | AD16-AD14[2] | | AD14-AST/SC1 | |
| 14. | Suspension in connection with an allegation of serious misconduct (preliminary hearing and decision) | Ann IX Art 23 + 24 | DG OLAF [5] | AD16-AD14 [2][4] | AD14-AST/SC1 [4] | |
| 15. | Deletion of reference to disciplinary penalty from personal file | Ann IX Art 27 | AD16-AD14 [2] | | AD14-AST/SC1 | |
| 16. | Personal liability in cases of serious misconduct | 22(2nd para) | AD16 - AD14 [2] | | AD14-AST/SC1: these powers are exercised jointly by the Director-General for Human Resources and Security, the Director-General OLAF and a third agent designated by the Secretary-General from amongst Directors-General or Deputy Directors-General. The joint decision is taken by a majority of these three members of the tripartite AIPN. | |

Cont.

ANNEX III - AIPN TABLES (OLAF)

VI. DISCIPLINE (Administrative investigation, disciplinary proceedings) and personal liability in cases of serious misconduct

- [1] The Member may subdelegate the power to carry out a preliminary hearing or designate a person to carry out the hearing in his or her place.
- [2] AD 14 only as far as senior officials (directors and equivalent) are concerned.
- [3] The Director is authorised to designate another IDOC official.
- [4] In agreement with the Director-General of OLAF.
- [5] The hearing may be delegated to a Member of the Commission or to two or more Members, without possibility of subdelegation.

ANNEX III - AIPN TABLES (OLAF)

VII WORKING CONDITIONS

| Numbering | SUBJECT | Article of the Staff Regulations | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director- General OLAF |
|-----------|--|---|---------------------------------------|--|---|--------------------------|
| 1. | Parental leave | 42a | | | DGA-CHC-D-CP | CL/CU-ADM-AST |
| 2. | Family leave | 42b | | | DGA-CHC-D-CP | CL/CU-ADM-AST |
| 3. | Normal working week (including flexible working-time arrangements) and public holidays: | 55(2)+(4), 61 | | | | |
| 3.1. | - rules of general application | | All grades and functions, DG OLAF[10] | | | |
| 3.2. | - individual decisions | | | | | All grades/functions [8] |
| 4. | Special working hours | 55(2) | | | All grades/functions | |
| 5. | Decision on standby duty | 55(3) | | | | All grades/functions [1] |
| 6. | Part-time work | 55a + Annex IVa | | DGA-CHC | D-CP | CL/CU-ADM-AST[6] |
| 7. | Job-sharing | 55b | DGA-CHC-D-CP | | | CL/CU-ADM-AST |
| 8. | Authorisation of night work and work on Sundays and public holidays | 56(1st para) | | | | All grades/functions |
| 9. | Shiftwork: Decision to set up shiftwork | 56a | | | | All grades/functions [2] |
| 10. | Annual leave and home leave [5] | 57(1st para), 60 (1st para), Ann V (Art 1-5, 7) | | | | All grades/functions |
| 11. | Special leave (including travelling time) and maternity leave: | 57(2nd para), 58 + Ann V Art 6 | | | | |
| 11.1. | - individual cases | | DG OLAF[4] | | | All grades/functions |
| 11.2. | - collective special leave [6] | | | | All grades/functions; DG OLAF | |
| 12. | Permission for absence for trade union / staff committee purposes | 9, 24b | | | All grades/functions | |
| 13. | List of independent doctors (establishment of the list and selection of doctors from it) | 59(1)(6th subpara) | | | All grades/functions, DG OLAF[3] | |
| 14. | Requirement to take leave | 59(5) | | | All grades/functions | |
| 15. | Annual medical check-up, fixing maximum amount | 59(6) | | | All grades/functions; DG OLAF | |
| 16. | Measures in cases of unauthorised absence | 60(1st para) | | | | All grades/functions |
| 17. | Permission to spend sick leave elsewhere than the place of employment | 60(2nd para) | DG OLAF[4][7] | | | All grades/functions [7] |

[1] Introduction of a systematic standby service requires the agreement of DG HR.

[2] Introduction of a systematic shiftwork system requires the agreement of DG HR.

[3] Under Art 59(1), 6th subparagraph, this list is established by common consent of the Appointing Authority and the Staff Committee.

[4] The Commission delegates this power to the Member of the Commission responsible for OLAF.

[5] Without prejudice to any authority conferred in this regard on the official's superior or on the human resources manager of his or her service by the Staff Regulations (see first sentence Art 60(1st para)) or by the Commission's implementing provisions on annual leave in their up-to-date-version (for the rules that are currently applicable see Commission Decision C(2013)9051 of 16.12.2013, Administrative Notice No 65-2013).

[6] Unless the DG for Human Resources and Security has decided on travelling time (Annex V to the SR, Art 7), this decision is taken by the DG OLAF.

[7] After Medical Service opinion, if available within a time deemed appropriate by the AIPN.

[8] Subject to the rules set out in Commission Decision C(2014)2502 of 15 April 2014 on Working Time, Administrative Notice No 23-2014.

[9] Except decisions on cases of serious hardship pursuant to Art 55a(2)(d) SR, which are to be taken by the Director-General for Human Resources and Security.

[10] More detailed rules and practical procedures for the application of working time provisions may be adopted by the Director-General of DG HR.

ANNEX III - AIPN TABLES (OLAF)

VIII PAY AND SOCIAL BENEFITS

| Numbering | SUBJECT | Article of the Staff Regulations | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director - General OLAF | Director PMO |
|-----------|---|----------------------------------|------------|--|---|--------------------------|----------------------------------|
| 1. | Compensatory leave and remuneration for overtime: | 56 + Ann VI | | | | | |
| 1.1. | - Decision determining the compensatory leave and/or the amount of overtime to be remunerated | | | | | AST1-4, AST/SC1-6 | |
| 1.2. | - Decision determining the individual payment | | | | | | AST1-4, AST/SC1-6 |
| 2. | Allowance for shiftwork: | 56a | | | | | |
| 2.1. | - Decision establishing the recipient of the allowance provided for in Art 56a SR | | | | | All grades/functions | |
| 2.2. | - Decision determining the individual payment | | | | | | All grades/functions |
| 3. | Allowance for regular standby duty: | 56b | | | | | |
| 3.1. | - Decision establishing the recipient of the allowance provided for in Art 56b SR | | | | | All grades/functions | |
| 3.2. | - Decision determining the individual payment | | | | | | All grades/functions |
| 4. | Grant of an allowance to compensate for particularly arduous working conditions: | 56c | | | | | |
| 4.1. | - Decision establishing the recipient of the allowance provided for in Art 56c SR | | | | | All grades/functions [1] | |
| 4.2. | - Decision determining the individual payment | | | | | | All grades/functions |
| 5. | Family allowances: | 67- 68a, Ann VII (Art 1 - 3) | | | | | All grades/functions, DG OLAF |
| 5.1. | - Doubling of the dependent child allowance | 67(3) | | | | | All grades/functions; DG OLAF[4] |
| 5.2. | - Extension of the period during which the dependent child allowance is paid | Ann VII Art 2(5) | | | | | All grades/functions; DG OLAF[4] |

Cont.

ANNEX III - AIPN TABLES (OLAF)

VIII PAY AND SOCIAL BENEFITS

| Numbering | SUBJECT | Article of the Staff Regulations | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director-General OLAF | Director PMO |
|-----------|--|----------------------------------|-----------------------|--|---|-------------------------------|-------------------------------|
| 6. | Allowances and reimbursement of expenses: | | | | | | |
| 6.1. | - expatriation and foreign residence allowance | 69 + Ann VII Art 4 | | | | | All grades/functions; DG OLAF |
| 6.2. | - installation allowance/travel expenses/removal expenses; daily subsistence allowance | 71 + Ann VII (Art 5, 7, 9, 10) | | | | | All grades/functions; DG OLAF |
| 6.3. | - annual travel costs | 71 + Ann VII Art 8 | | | | | All grades/functions; DG OLAF |
| 6.4. | - mission expenses | 71 + Ann VII Art 11-13 | | | | | |
| 6.4.1. | - - Decision on the prerequisites and terms of the entitlement [2] | | | | | All grades/functions; DG OLAF | |
| 6.4.2. | - - Decision on a specific payment | | | | | | All grades/functions; DG OLAF |
| 6.5. | - entertainment expenses, accommodation costs | 71 + Ann VII Art 14 | | | | | |
| 6.5.1. | - - Decision on the prerequisites and terms of the entitlement | | | | | All grades/functions; DG OLAF | |
| 6.5.2. | - - Decision on a specific payment | | | | | | All grades/functions; DG OLAF |
| 6.6. | - fixed travel allowance | | | | | | |
| 6.6.1. | - - for senior officials | 71 + Ann VII Art 15(1st para) | DG OLAF-DGA- CHC-D-CP | | | | |
| 6.6.2. | - - for other officials | 71 + Ann VII Art 15(2nd para) | | CU-CL-ADM-AST | | | |
| 6.7. | - grants and reimbursements in cases of birth and death | 74, 75 | | | | | All grades/functions; DG OLAF |
| 6.8. | - determining an official's place of origin | Ann VII Art 7(4) | | | | | All grades/functions; DG OLAF |
| 7. | Transfer of remuneration | Ann VII Art 17 | | | | | All grades/functions; DG OLAF |
| 8. | Allowance for non-active status | 41(3) + Ann IV | | | | | All grades/functions; DG OLAF |
| 8a. | Allowance for leave in the interests of the service | 42c + Ann IV | | | | | All grades/functions; DG OLAF |

Cont.

ANNEX III - AIPN TABLES (OLAF)

VIII PAY AND SOCIAL BENEFITS

| Numbering | SUBJECT | Article of the Staff Regulations | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director-General OLAF | Director PMO |
|-----------|--|----------------------------------|---|--|---|--------------------------|----------------------------------|
| 9. | Procedures for dealing with incompetence: | | | | | | |
| 9.1. | - reimbursement of expenses | 51(8) | | | All grades/functions; DG OLAF | | |
| 10. | Sickness insurance: any individual decision on cover for medical expenses within the framework of the Joint Sickness Insurance Scheme | 72 + 40(3) + Ann X Art 24 | | | | | All grades/functions; DG OLAF[3] |
| 11. | Accident insurance: any individual decision on social benefits and cover for expenses related to accidents or occupational diseases | 73 + 40(3) + Ann X Art 25 | | | | | All grades/functions; DG OLAF |
| 12. | Gifts and loans for welfare purposes: | | | | | | |
| 12.1. | - for the staff | 76 | | | All grades/functions; DG OLAF | | |
| 13. | Advances on salary | 76 | | | | | All grades/functions; DG OLAF |
| 14. | Pensions (including notably: authentication of pensionable years, transfer of pension rights), family allowances: | 77 - 84 + Ann VII, VIII, XIII | | | | | All grades/functions; DG OLAF |
| 14.1. | - leave on personal grounds | 40(3) | | | | | All grades/functions; DG OLAF |
| 14.2. | - parental leave | 42a | | | | | All grades/functions; DG OLAF |
| 14.3. | - transfers | Ann VIII Art 11 | | | | | All grades/functions; DG OLAF |
| 15. | Recovery of undue payment: | 85 | This decision is taken by the Appointing Authority which took the decision to make the payment or, as the case may be, omitted to take a decision that would have resulted in non-payment or in the payment of a lesser amount. If the competence for that type of decision has since been placed in the hands of a different authority, it is the latter that decides on the recovery. | | | | |
| 15.1. | - decision on repayment schedule | | | | | | All grades/functions; DG OLAF |
| 16. | Remuneration (including legal deductions) | 62 | | | | | All grades/functions; DG OLAF |
| 17. | Bonus to the author of a patented invention | 18(3) | | | | All grades/functions [1] | |

[1] In agreement with JRC.

[2] For missions by Directors-General outside the European Union, the powers are exercised by the relevant Head of Cabinet.

[3] Without prejudice to the provisions of the Joint Rules on sickness insurance for officials of the European Communities (common accord recorded on 24 November 2005).

[4] After Medical Service opinion.

ANNEX III - AIPN TABLES (OLAF)

IX BODIES PROVIDED FOR IN THE STAFF REGULATIONS

| Numbering | SUBJECT | Article in the Staff Regulations | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director- General OLAF |
|-----------|--|----------------------------------|------------|--|---|------------------------|
| 1. | Joint Committee: | | | | | |
| 1.1. | - appointment of chair and members | Ann II Art 2 | | | x | |
| 1.2. | - consultation | 9(4) | | | x | |
| 1.3. | - convening of meetings | Ann II Art 3 | | | x | |
| 1.4. | - setting of deadlines | 10a | | | x | |
| 2. | Disciplinary Board: | | | | | |
| 2.1. | - appointment of chair | | | | x | |
| 2.2. | - appointment of chair's alternate | Ann IX Art 6(2) | | | x | |
| 2.3. | - appointment of secretary | Ann IX Art 7 | | | x | |
| 2.4. | - appointment of two members and two alternates | Ann IX Art 6(1) + (4) | | | x | |
| 2.5. | - determining the list of further members | Ann IX Art 6(4)(a) | | | x | |
| 2.6. | - determining ad hoc procedure for officials posted to a third country | Ann IX Art 5(5) | | | x [2] | |
| 3. | Invalidity Committee: | | | | | |
| 3.1. | - appointment of doctor by the institution | Ann II Art 7 | | | x | |
| 3.2. | - consultation | 59(4) | | | All grades/functions; DG OLAF | |
| 4. | Reports Committee: | | | | | |
| 4.1. | - appointment of members | Ann II Art 10 | | | x | |
| 4.2. | - consultation [1] | | | | CL/CU-ADM-AST | |
| 5. | Staff Regulations Committee: | | | | | |
| 5.1. | - appointment of members | 10 | | | x | |
| 5.2. | - consultation | 10 | | | x | |
| 5.3. | - setting of deadlines | 10a | | | x | |

Cont.

ANNEX III - AIPN TABLES (OLAF)

IX BODIES PROVIDED FOR IN THE STAFF REGULATIONS

| Numbering | SUBJECT | Article in the Staff Regulations | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director- General OLAF |
|-----------|--|----------------------------------|------------|--|---|------------------------|
| 6. | Common Joint Committee: | | | | | |
| 6.1. | - appointment of members for the Commission administration | Ann II Art 2 | | | x | |
| 6.2. | - consultation | 9(4) | | | x | |
| 7. | Staff Committee: | | | | | |
| 7.1. | - setting of deadlines | 10a | | | x | |
| 7.2. | - term of office and conditions for election | Ann II Art 1 | | | x | |
| 8. | Agreement with the unions | 10b | | x | | |
| 9. | Joint Advisory Committee for professional incompetence: | | | | | |
| 9.1. | - appointment of chair | Ann II Art 12(1st para) | | | x[3] | |
| 9.2. | - appointment of members | Ann II Art 12(1st para) | | | x[4] | |
| 9.3. | - drawing up the list of further members | Ann II Art 12(2nd para) | | | x[5] | |
| 9.4. | - determining an ad hoc procedure for officials posted outside the EU. | Ann II Art 12(4th para) | | | x[2] | |

[1] For senior officials (DG-DGA-CHC-D-CP), consultation is automatic in the cases specified in the relevant decision.

[2] With the Staff Committee.

[3] The chair is appointed by the Appointing Authority from a list of candidates drawn up in concertation with the Staff Committee.

[4] Prior to appointment by the Appointing Authority, half of the members are designated by the Appointing Authority and half by the Staff Committee.

[5] Two members are appointed by the Appointing Authority and two by the Staff Committee.

ANNEX III - AIPN TABLES (OLAF)

X TEMPORARY STAFF

| Numbering | SUBJECT | Articles in CEOS | Commission | Commissioner responsible for human resources | Director-General for Human Resources and Security | Director-General OLAF | Director PMO |
|-----------|---|-----------------------|---|--|---|--------------------------|----------------------|
| 1. | Decision to engage and conclusion of contract and amendments [2]: | 2, 8, 10 | | | | | |
| 1.1. | - temporary staff under Art.2(a) CEOS | | | | | All grades/functions | |
| 1.2. | - temporary staff under Art. 2(b) CEOS | | | | | All grades/functions | |
| 2. | Exemption from the requirement to be a national of a Member State: | | | | | | |
| 2.1. | - temporary staff under Art 2(a) or 2(b) CEOS | 12(2)(a) | DGA-CHC-D-CP | CL/CU | ADM-AST | | |
| 3. | Probationary period (reassignment during probationary period, extension of probationary period) | 14 | | | | All grades/functions | |
| 4. | Rights and obligations | 11 | Delegation of powers identical to those in Table V for officials. | | | | |
| 5. | Working hours and leave (including notably overtime, shiftwork, standby duty, special working hours, public holidays, annual, special and sick leave, maternity leave, requirement to take leave, parental and family leave) | 16(1st para) | Delegation of powers identical to those in Tables VII and VIII for officials. | | | | |
| 6. | Sick leave: right to remuneration | 16(2nd, 3rd+4th para) | | | | All grades/functions | |
| 7. | Leave without pay for personal reasons [2] | 17 | | | | All grades/functions [1] | |
| 8. | Call-up leave | 18 | | | | All grades/functions | |
| 9. | Expatriation allowance and foreign residence allowance, family allowances | 20, 21 | Delegation of powers identical to those in Table VIII for officials. | | | | |
| 10. | Reimbursement of expenses incurred on entering the service or transfer or in the course of or in connection with duties performed (Art 5, 7 to 15 of Ann VII to the SR) | 22 - 26 | Delegation of powers identical to those in Table VIII for officials. | | | | |
| 11. | Transfer of remuneration (Art 17 of Ann VII to the SR) | 27 | Delegation of powers identical to those in Table VIII for officials. | | | | |
| 11a. | Maternity pay in cases of expiry of the contract: | 17(last para) | | | | | |
| 11a.1. | - decision establishing the recipient and the duration of the entitlement | | | | | All grades/functions | |
| 11a.2. | - decision determining the individual payments | | | | | | All grades/functions |

Cont.

ANNEX III - AIPN TABLES (OLAF)

X TEMPORARY STAFF

| Numbering | SUBJECT | Articles in CEOS | Commission | Commissioner responsible for human resources | Director-General for Human Resources and Security | Director-General OLAF |
|-----------|---|------------------|--|--|---|-----------------------|
| 12. | Cover for sickness and accidents | 28 | Delegation of powers identical to those in Table VIII for officials. | | | |
| 13. | Grants and reimbursements in cases of birth and death | 29 | Delegation of powers identical to those in Table VIII for officials. | | | |
| 14. | Gifts, loans or advances (Art 76 SR) | 30 | Delegation of powers identical to those in Table VIII for officials. | | | |
| 15. | Suspension of guaranteed benefits for death or invalidity | 32 | | | All grades/functions | |
| 16. | Pensions (including notably: authentication of pensionable years, transfer of pension rights) | 34 - 42, 32 | Delegation of powers identical to those in Table VIII for officials. | | | |
| 17. | Recovery of overpayments | 45 | Delegation of powers identical to those in Table VIII for officials. | | | |
| 18. | Termination of service on invalidity grounds | 33, 32 | Delegation of powers identical to those in Table IV for officials. | | | |
| 19. | Termination of contract: | | | | | |
| 19.1 | - Temporary staff under Art 2(a), (b) CEOS | 14, 47, 48 | | | | All grades/functions |
| 20. | Discipline | 49, 50 | Delegation of powers identical to those in Table VI for officials. | | | |
| 21. | Limitation of severance grant and resettlement allowance | 49(2), 50(2) | | | | All grades/functions |
| 22. | Pre-recruitment medical examination (including notably composition of the Medical Committee) | 13 | | | All grades/functions | |

[1] Where an outside activity is to be exercised during the period of leave on personal grounds, the AHCC decides after consulting DG HR.

[2] Including assessment and measures regarding conflicts of interest pursuant to Art 11 CEOS in conjunction with Art 11(3rd and 4th para) SR.

ANNEX III - AIPN TABLES (OLAF)

XI CONTRACT STAFF

| Numbering | SUBJECT | Articles in CEOS | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director-General OLAF | PMO Director |
|-----------|--|-------------------------------|---|--|---|-----------------------|----------------------|
| 1. | Decision to engage and conclusion of contract and amendments [2]: | 3a, 3b, 82 | | | | | |
| 1.1 | - Contract staff, Art 3a CEOS | | | | | All grades/functions | |
| 1.2 | - Contract staff, Art 3b CEOS | | | | | All grades/functions | |
| 2. | Exemption from the requirement to be a national of a Member State | 82(3)(a) | | | All grades/functions | | |
| 3. | Exemption from the requirement to produce supporting documents | 82(4) | | | All grades/functions | | |
| 4. | Probationary period (reassignment during probationary period, extension of probationary period) | 84(1)+(2) | | | | All grades/functions | |
| 5. | Rights and obligations | 81, 11 | Delegation of powers identical to those in Table V for ADM and AST. | | | | |
| 6. | Classification in the next highest grade | 87 | | | All grades/functions | | |
| 7. | Working hours and leave (including notably overtime - FG I and II -, shiftwork, standby duty, special working hours, public holidays, annual, special and sick leave, maternity leave, requirement to take leave, parental and family leave) | 91, 16(1st para) | Delegation of powers identical to those in Tables VII and VIII for ADM and AST. | | | | |
| 8. | Sick leave: right to remuneration | 91, 16(2nd, 3rd and 4th para) | | | | All grades/functions | |
| 9. | Leave without pay for personal reasons [2] | 91, 17 | | | | All grades/functions | |
| 10. | Call-up leave | 91, 18 | | | | All grades/functions | |
| 11. | Expatriation allowance and foreign residence allowance, family allowances | 92, 20, 21 | Delegation of powers identical to those in Table VIII for ADM and AST. | | | | |
| 12. | Reimbursement of expenses incurred on entering the service or transfer, or in the course or in connection with duties performed (Art 5, 7 to 15 of Ann VII to the SR) | 92, 22, 26, 94 | Delegation of powers identical to those in Table VIII for ADM and AST. | | | | |
| 13. | Transfer of remuneration (Art 17 of Ann VII to the SR) | 92, 27 | Delegation of powers identical to those in Table VIII for ADM and AST. | | | | |
| 13a. | Maternity pay in cases of expiry of the contract: | 91, 17(last para) | | | | | |
| 13a.1. | - decision establishing the recipient and the duration of the entitlement | | | | | All grades/functions | |
| 13a.2. | - decision determining the individual payments | | | | | | All grades/functions |
| 14. | Cover for sickness and accidents | 95, 28 | Delegation of powers identical to those in Table VIII for ADM and AST. | | | | |
| 15. | Grants and reimbursements in cases of birth and death | 97 | | | | | All grades/functions |
| 16. | Gifts, loans or advances (Art 76 SR) | 98 | Delegation of powers identical to those in Table VIII for ADM and AST. | | | | |

Cont.

ANNEX III - AIPN TABLES (OLAF)

XI CONTRACT STAFF

| Numbering | SUBJECT | Articles in CEOS | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director-General OLAF | PMO Director |
|-----------|---|------------------------|--|--|---|-----------------------|--------------|
| 17. | Suspension of guaranteed benefits for death or invalidity | 100 | | | All grades/functions | | |
| 18. | Pensions (including notably: authentication of pensionable years, transfer of pension rights) | 103 - 112, 100 | Delegation of powers identical to those in Table VIII for ADM and AST. | | | | |
| 19. | Recovery of overpayments | 116 | Delegation of powers identical to those in Table VIII for ADM and AST. | | | | |
| 20. | Termination of service on invalidity grounds | 101, 102, 100 | Delegation of powers identical to those in Table IV for officials. | | | | |
| 21. | Termination of contract | 84(3)+(4), 119, 47, 48 | | | | All grades/functions | |
| 22. | Discipline | 119, 49, 50, 50a | Delegation of powers identical to those in Table VI for ADM and AST. [1] | | | | |
| 23. | Limitation of severance grant and resettlement allowance | 119, 49(2), 50(2) | | | | All grades/functions | |
| 24. | Pre-recruitment medical examination (including notably composition of the Medical Committee) | 83 | | | All grades/functions | | |

[1] The ad hoc procedure provided for in the second paragraph of Art 119 of the CEOS is established by the Director-General for HR and Security in common accord with the Staff Committee.

[2] Including assessment and measures regarding conflicts of interest pursuant to Art 81, 11 CEOS in conjunction with Art 11(3rd and 4th para) SR.

ANNEX III - AIPN TABLES (OLAF)

XII SPECIAL ADVISERS

| Numbering | SUBJECT | Articles in CEOS | Commission | Member of the Commission responsible for human resources | Director-General for Human Resources and Security | Director-General OLAF |
|-----------|--|------------------|--|--|---|-----------------------|
| 1. | Decision to engage and conclusion of contract and amendments | 5, 123 | | All grades | | |
| 2. | Rights and obligations (Art. 11-25 SR). | 124 | Delegation of powers identical to those in Annex I, Table V, with regard to Directors-General. | | | |