General Staff Meeting  November 2020 - Update

- COVID-19
- 2021 Five yearly review
- Staff Association working programme

It is all about representing, serving & defending CERN personnel!
COVID-19 is not Business as Usual!
COVID-19 | Staff Association contribution

Despite the fact the SA was never invited to ED meetings except the one of 23rd of June
SA requested an extraordinary SCC since July

The answers were negative until SA sent an official request by formal letter

The SCC took place the 2nd of September

List of 50 questions based on your reactions & questions

Main themes: Restart of activities in September & Teleworking, Sanitary measures, Swiss cards, Communication with personnel, Reporting on cases @ CERN
Weekly emails from ‘COVID-19 updates’ since 15th September

COVID-19 | Communication to all Staff

SA requested regularly a centralized and regular communication to all CERN community and did it!

Association of the Personnel / Staff Association: Information to all the personnel / Information to all staff

04/09/2020

En collègue,

Nous vous avez annoncé lors de notre message du 27 août que nous renouvelons vers vous pour vous informer de la tenue des discussions qui ont eu lieu au Comité de Conjoncture Permanent extraordinaire du 27 août.

La réunion de l'Association du personnel a fait une déclaration que nous pouvions retrouver sur nos pages web: [link]. Dans celle-ci, l'Association a réaffirmé l'importance des interventions dimensionnelles dans l'Organisation fédérale de telle sorte, la direction de communication centrale à destination de l'ensemble du personnel, et la présidence (moins comme simple observateur) de l'Association lorsque le Directeur général hâton de question touche l'avenir de l'organisation et affecte l'identité sanitaire au cœur.

Voici les principaux points de l'Association du personnel relatifs trois heures de discussion d'autant plus clair (le texte verbal officiel nous sera soumis plus tard):

1. L'avis de l’Association de l'événement de l'organisation que le salarié est demandé de bien vouloir se rappeler que le temps est le plus important dans le contexte de la crise sanitaire. L'Association ne peut prendre une position déterminée sans avoir une opinion claire à cet égard. Les points suivants sont à prendre en compte:
   - L'importance de la communication au sein de l'organisation.
   - Le rôle de l'organisation de communication au sein de l'organisation.
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Association du Personnel / Staff Association

Association de l'ensemble du personnel / Information to all staff

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COVID-19 | Staff Association key message: A common thread - flexibility

- **As part of the SA Declaration made at SCC on 2nd of September**
  « ...The SA defends an flexible approach to teleworking... »

- **In a written message to Director of HRF, president of SCC, on 20th of October**
  « ...The SA asks that the limit of 50% maximum teleworking is abandoned, thus giving a maximum flexibility depending only on the needs of the groups.. »
During the Pandemic

‘I would feel a much greater sense of loyalty to an organisation who showed more respect for my professionalism with teleworking and who gave higher priority to my health and that of my co-workers over perceived working efficiency during these times!’

At CERN in the future

‘I think TW has its place but I would also not be in favour of 100% TW - in normal times’
COVID-19 | Table of absence

Extensive and regularly discussions regarding the Absence Table, still in evolution
https://cds.cern.ch/record/2712801/files/AbsenceManagement-Table.pdf

Staff Association requested to extend:

- teleworking during quarantine in case of “Urgent family reasons” including:
  - Close relative with a health condition requiring assistance
  - Joining Parent / spouse / partner / child at their place of residence

- And requested possibility of teleworking 10 days before Xmas from the home station and 10 days after the Christmas holidays in the local area
CERN Clubs whose activities take place off the CERN site (not including the CERN barracks which are considered as part of the CERN Meyrin site) may continue their activities so long as they commit to and are in compliance with the Host State regulations regarding COVID19.

On-site CERN Club activities (on Meyrin and Preveissin sites, including Barracks) are suspended until further notice.

Regular discussions between SA / CCC / Management and the individual requests from the clubs.
COVID-19 | Jardin des Particules

Children are back!

- March 19th: JdP closed
- May 18th: ‘Crèche’ Opening
- May 25th: School Opening
- August 18th: The new building was delivered despite the containment period during the construction
- August 24th: Move was completed in less than one week!
- August 25th: 2020-2021 school year starting!
- Since then: JdP is running and living with COVID ... A daily adventure and surprise

This could have never happened without the commitment of our SMB colleagues and the JdP team. Many thanks to them all!
• Existing option since last 5YR
• No Administrative circular but a procedure in the Admin e-guide https://admin-eguide.web.cern.ch/en/procedure/leave-donation
• The Staff Association has been asking for months the possibility to use this measure with much more flexibility (especially during COVID19)

MPEs in difficult situations can contact HR department and the Staff Association
Thanks to the HSE Unit for their dedication & support

SA continues to defend the fact that CERN needs at any time a Staff Doctor on site more especially in the present circumstances
COVID-19 | Lessons learnt from the COVID crisis

- **CERN community demonstrates, as usual, their commitment to the Organisation and professionalism**
  - Thanks to all the involved services in managing such an exceptionnal situation
  - Operating on site with a daily evolving COVID situation is very difficult
    - Decisions cannot satisfy all
  - Flexibility & communication are key
  - Concertation needed more than ever
Update on the 2021 5YR process
2015 5YR | Timeline

2018
- Council
  - “To commence the next five-yearly review process in 2019, for conclusion by Council decision-making in 2021.”

2019
- October: TREF
  - Summarize outcome of previous five-yearly review
- Preparation phase
  - Preliminary data gathering for reports
  - Preliminary discussions with external stakeholders (OECD, consultants)

2020
- March: TREF
  - Factual information & clarification:
    - Report on recruitment markets for staff members
    - Report on recruitment and retention of staff members
    - Data collection process for salary comparison and related mandates
    - Report on comparator research institutions for fellows
    - Management’s proposal identifying the financial and social conditions to be reviewed
- May: TREF
  - Discussion:
    - Report on recruitment markets for staff members
    - Report on recruitment and retention of staff members
    - Data collection process for salary comparison and related mandates
    - Report on comparator research institutions for fellows
    - Management’s proposal identifying the financial and social conditions to be reviewed
- June: FC/Council
  - Information & discussion:
    - Report on recruitment markets for staff members
    - Report on recruitment and retention of staff members
    - Report on comparator research institutions for fellows
    - Management’s proposal identifying the financial and social conditions to be reviewed
- October: TREF
  - Factual information and clarification:
    - Oral report on data collection process

2021
- March: TREF
  - Written report on data collection of optional conditions
- May: TREF
  - Written report on data collection of obligatory conditions
- October: TREF
  - Information:
    - Management proposals
- November: TREF (1 or 2 meetings)
  - Discussion:
    - Management proposals
- December: FC/Council
  - Decision on final Management proposals
  - Implementation

We are here!
Positive outcome

- CERN is still a unique environment
- Majority of us are in line with CERN’s mission and we are ‘Proud to work at CERN’
- Satisfaction expressed regarding our health insurance and Pension fund

BUT ...

- Some concern about CERN future (for > 50% of us)
- Last 5YR results not well received and need to follow up the 2015 5YR decisions
- Request to be attentive regarding working conditions
- High workload leading to discouragement and poorer quality of the results
- Improve fellows conditions
- Contract Policy strongly criticized
- MERIT system lacks efficiency for merit recognition
March 2020 TREF

SA presentation about its views & analysis regarding staff recruitment and retention:

- **there is a reduction in CERN attractiveness and retention capacity and it will be worse in the future!**

- SA declaration about COVID and this is not business as usual!

May 2020 TREF

- The Management's proposal identifying the financial and social conditions to be reviewed defining the so called ‘Menu’ with:
  - Salaries of Staffs and Fellows + Stipends for MPA
  - Benchmark on diversity measures
  - Recommendation for the 2021 5YR menu approved by TREF
  - In addition SA obtains a SCC working group on Career development

June Council

- Menu approved by CERN Council

October 2020 TREF

Choice of salary’s comparators for CERN

Employment conditions applicable to staff members in grade 4 to 10 at CERN should allow attracting professionals of the highest competence from all Member States, including those in which salaries are the highest.

The ISRP (International Service for remuneration and pension) has identified the Swiss market as the principal benchmark for the comparisons.

German market will contribute to the robustness and significance of the findings.

Data concerning diversity benchmarking should be available by the end of 2020.
Update on the Outline of the Staff Association’s work program for 2020-2021
SA work programme | CSG – CRDS after 5 years of battle: a great SA achievement!

- **SA support started in 2015 for our colleagues and retirees to challenge this taxation**
  - Applicability of CSG – CRDS to foreign incomes
  - CSG – CRDS % increase
- **CHIS is not recognized as an EU coordinated social security system**
- **CERN pension are taxed if retirees have also a French pension**

The Staff Association with some specialized lawyers start challenge – Steps:

- **Claim for refund to local tax office (Mainly Ain & Haute Savoie)** Rejected
  - Appeal to Administrative tribunal (Grenoble, Lyon, Montreuil for foreign resident) Won & Rejected
- **Court of second instance : Administrative Court of Appeal (mainly Lyon)** Won
  - In 2019 Ministry of Public Finance went to the “Conseil d’Etat”
- September 2020 the “Conseil d’Etat” supported the complainant – CSG – CRDS taxes are illegal on capital incomes
SA work programme | CSG – CRDS after 5 years of battle: a great SA achievement!

- CERN MPEs concerned can ask for reimbursement for years 2017 and 2018 and then 2019.
- Staff Association members can ask SA for a template to use their request to the local tax office.
- 2017 refundable 15.20%.
- 2018 refundable 9.70%.

Refunds are possible via:
- Collection via tax advice note.
- Direct debits by bank, life insurance or investment products.
- Property capital gains.

Why is there a repayment gap between 2017 and 2018?
- CSG - CRDS 17.20%.
- PFS increased from 2% to 7.50% (Loi de finance 2018).
- Conseil d’Etat rejected the « pourvoi incident » on the PFS.
- PFS is also applicable for non residents who have french incomes.

NEXT Step: going to the Court of Justice of the European Union with PFS to challenge the “Avis” of the Conseil d’Etat.
SA work programme | The ‘Jardin des Particules’

• New building delivered in time, small works to be finalised
• Second part of the garden under preparation, discussion about the installation of games to come
• The SA proposal or a Foundation was finalised and shared with the Management, first comments from the Management received, discussion will start
• Huge efforts from the JdP team to contain the costs of the structure in spite of the COVID-19 situation
SA work programme | DFAE cards for family members

- **Request from the SA:** In spite of treatment of other OI which personnel and member of families receive DFAE cards and the AC no 15 why is CERN treated differently?

- Lessons learnt from first containment & Closed border - Main issues
  - Access to care facilities for family members
  - Families resident in France whose children attend school in Switzerland and which require proof of residence in Switzerland
  - Families residing in France with their children residing in Switzerland
  - Situation of pensioners and their access to care and/or their families ...

- On going discussion with HR Department and the Legal Service
Following SA’s request an HR working group was settled,

Work on-going

The Working Group is reviewing the Organisation’s mechanisms for internal investigations, settlement of disputes and disciplinary procedures

This with a view to identify areas of possible improvement and to submit proposals to the Management. In particular, the Working Group focuses on:

- Various internal investigation procedures, with the aim of harmonising investigation protocol;
- Informal dispute resolution options;
- Formal internal dispute settlement mechanisms;
- Disciplinary procedures;
- Due process and independence of structures throughout the system

Training for CERN personnel & persons involved in internal justice procedures:

- A combination of an e-learning course and a training session in person primarily for Q&A and clarification of outstanding points
• Requested by the SA
• Multi-year analysis of MERIT exercises since 2016
• SCC Technical Sub-Group
• Presented its findings and recommendations at SCC October 29th meeting
SA work programme | WG MoMERIT

- Very rich outcome and basis for the WG Career development to make some recommendations
SA work programme | Working group Career development

Following Staff Association request in the Standing Concertation Committee

Sub-group of the Standing Concertation Committee

Answer top priority expectations of CERN Staffs & Fellows expressed in the SA questionnaire launched in 2019

Mandate discussed during the SCC the 29th of October

To be finalized by the end of the year

SA work programme

Mandate

SA PROPOSAL

Mandate discussed during the SCC the 29th of October

SA PROPOSAL
• New chair of the PF Governing Board
• New members starting from next year: experts, pensioners representative
• Recommendations from the SCC WG on the surviving spouse pension were approved during October TREF meeting
• On going work regarding:
  • SCC WG on the guarantee of pensions in the event of the dissolution of the Organization or withdrawal of one or more Member States
• SA continued willingness to improve the Governance of the PF
In 2019 SA proposed to introduce the opt out system to:

- Encourage members of personnel to become more involved in SA activities as soon as they arrive at CERN
- Strengthen SA representation
- The employed staff members become members of the Association upon taking office
  - But that they may, in conscience and for a limited time, choose to renounce their membership as if they had never been members
  - Beyond that limited period of time the resignation will be used

**Implementation of such a measure revisited in 2020**

- SA visibility for newcomers organised using (virtual) meetings
- Some incompatibility with OC11 to implement such a measure
- The general Assembly in June 2020 decided to let the Staff Council decide if the Opt-out should be implemented and how or abandoned

Staff Council decided to abandon the Opt-out system in Summer 2020
Levying of Staff Association contributions

- More than one year on-going issue of continuing to levy SA contributions via the January payslip each year
- Management does not want to continue
- On going discussions
Concertation & **Arbitration**

**Marriages concluded after retirement**

2005: abolition of the automatic right to a surviving spouse's pension (SSP).
Possibility to buy the SSP at neutral cost for the pension fund

2017: although rarely used (5 out of 48 marriages), litigation cases
GAC & SA obtain the creation of an SCC sub-group to evaluate the 2005 decisions

2020: The DG accepts the recommendations of the sub-group for pension aspects but in its arbitration deletes two existing rights in the CHIS Regulation:
- Suppression of CHIS coverage for the surviving spouse if no acquisition of the SSP
- Suppression of the Organisation's CHIS contribution will have to be paid by the surviving spouse if acquisition of the SSP

Document approved @ TREF – SA not opposed @ TREF because of some progress on pension issues but declared:
- Breaks the balance of the contributions, thus affecting the very foundations of the CHIS system, based on intergenerational solidarity between its members in the face of risk
- Ignores essential nature of CHIS as budgeted system
- Could indicate CERN's desire to reduce its role as a State
The Management proposed to amend the SRR to extend until 2025 the possibility of extending the contract of some of the DGG’s direct staff members beyond the age of 65 years.

The SA opposed to this proposal as SA is, in principle, opposed to exceptional laws, always prefers proposals that can be of benefit to all staff.

Remind that the document TREF CERN/TREF/446-Rev. dated May 2018 stated: ‘... the Director-General will initiate a wider reflection on the current age limits ...’

First ideas were presented by the SA during the SCC meeting on 5 October, a detailed document will follow so that concertation work can begin, as agreed.

DG’s arbitration decision was to accept SA position
Document approved @ TREF – SA opposed to the forceful passing of the text and still willing to find accompanying and/or alternative measures through concertation and
Support our MPAs colleagues
Conclusions

• A lot of work in progress
• Next year will be largely occupied with the work regarding the 5YR in a context of COVID-19
• Management relations are strained
• Many thanks to the staff council & secretariat for its immense work in so many different fields!
• We need you more than ever to be the most representative and to make the staff's positions heard
• Join the Staff Association!
Questions and comments are most welcome!
Questions and comments are most welcome!

Spare Slides
Dear Colleagues,

As you know, our Host States yesterday announced new measures to curb the escalating number of infections on their respective territories. In France, this includes a new state of lockdown until at least 1 December, although it will be less restrictive than in the past.

In the light of these developments, CERN is once again adapting its framework for on-site activities and telework. The overarching objective remains to safeguard the health and safety of everybody on the CERN site while working towards efficient operation of the Laboratory, as far as feasible.

At this stage, we will not be making a general reoord of ad-hoc presence, as was the case between 18 April and 18 May. Our activities, including lab work and upgrades, continue, however. We will instead use the opportunity to further reduce the risk of infection on-site and to contribute to the broader societal effort to combat the virus.

As of Monday, 2 November, all scientific members of the personnel whose activity can be carried out remotely must do so. This measure also applies to certain categories of associated members of the personnel (e.g., associated members of personnel for the purpose of training and project assistance). It does not apply to those members of the personnel who cannot work remotely or whose presence on-site is needed for carrying out the ongoing scientific business of the Organization. The list of specific scientific roles that require presence on-site with the respective leadership and detailed guidance will be provided in due course. Users who are based in the local area should not come on-site unless authorized to do so by their Technical Coordinator. On-site access is not allowed for persons aged 65 years and above, unless they are called by their respective Technical Coordinator for specific activities.

Those of you residing in France who are required to come on-site during the current lockdown period at that country must comply with those general rules at the CERN site. This includes the provision of a completed form, valid for the member of the personnel and available in this Jag, together with any other document requested by French authorities. Please note that the border between France and Switzerland remains open.

The above statement pplies to the above changes. The framework will remain in place until further notice, and probably until at least 1 December 2020. As we have seen, the situation evolves very quickly around us, and we are monitoring it continuously to assess whether any changes will be needed.

The rearrangement for the end of the period during which many of us work to remain safe from the local region to work on our farms and farms, will also be communicated shortly.

We thank you for your continued commitment and flexibility during this challenging time and for your patience in the face of the many changes it brings.

Best regards,

Pascal Robert
Head of the Occupational Health & Safety & Environmental Protection Unit

COVID-19 new rules on telework and presence at CERN / COVID-19 : nouvelles règles concernant le télétravail et la présence au CERN

• Occasional ad-hoc presence
• Integration needs
• Difficult home-working environment
• Supervisory requirements
• MPA/learning needs
• Access to lab & other facilities by TECH/DOCT students
• Other operational needs

TW location

• Default location: local area exception are accepted for family reasons such as
• Death of a close relative or serious illness of a close relative
• Other urgent/important reasons such as a close relative with health condition requiring assistance
• Joining parents/spouse/partner/child at their place of residence
• MPAs who leave the local area will need to complete a self declaration and should be available to rapidly return to site when required
5YR purpose as per Annex A1 of SR&R is “to ensure that the financial and social conditions offered by the Organization allow it to recruit and retain the staff members required for the execution of its mission from all its Member States.”

As per S II 1.04 of SR&R, “the DG shall strive to ensure as fair a distribution as possible of nationals of the Member States” → more demanding than a simple guide

DNA of CERN as an Intergovernmental Organization

| S II 1.03 Competence, integrity and fitness | MP | The Director-General shall take steps to ensure that the members of the personnel appointed are of the highest competence and integrity and fit to perform the functions entrusted to them. |
| S II 1.04 Fair distribution | MPE | At the time of appointment of members of the personnel and subject to the provisions of Article S II 1.03 and to the relevant conditions relating to Associate Membership, the Director-General shall strive to ensure as fair a distribution as possible of nationals of the Member and Associate Member States and of men and women. |
In accordance with Article S V 1.02, the periodic reviews of the financial and social conditions of members of the personnel consist of a five-yearly general review of financial and social conditions (hereinafter "the five-yearly review") and an annual review of basic salaries, stipends, subsistence allowances and family benefits (hereinafter "the annual review").

In the framework of the five-yearly review, the Council may also decide to review any of the procedures defined hereinafter for application at subsequent reviews.

In accordance with Article S V 1.02, the periodic reviews of the financial and social conditions of members of the personnel consist of a five-yearly general review of financial and social conditions (hereinafter "the five-yearly review") and an annual review of basic salaries, stipends, subsistence allowances and family benefits (hereinafter "the annual review").

In the framework of the five-yearly review, the Council may also decide to review any of the procedures defined hereinafter for application at subsequent reviews.
5YR methodology - Annex A1 of the SRR - Staff

Starting the procedure
The Director-General shall submit to the Council:

- **For information and discussion**, a document identifying the Organization's main recruitment markets.
- **For information and discussion**, a report analysing the recruitment and retention of staff members.
- **For decision**, a proposal identifying the financial and social conditions to be reviewed.

Data on salaries shall be collected from employers that recruit from the markets identified in the document mentioned in paragraph above.

- **For grades 1 to 3**, these shall be the employers established in the local region of the Organization that offer salaries that are among the most competitive.
- **For grades 4 to 10**, these shall be the employers established in the Member States that offer the most competitive salaries according to the data collected from the Organisation for Economic Cooperation and Development (OECD) or, where not available from the latter from any other official source.
- **For all grades**, data on the other financial and social conditions to be examined are collected from the intergovernmental organisations that offer financial and social conditions that are among the most competitive, e.g. ESA, the United Nations, the European Union, as the case may be.
The purpose of the five-yearly review is to ensure that the financial and social conditions offered to fellows remain attractive compared to those in comparable research institutions. The five-yearly review must include stipends and may include any other financial or social conditions.

Starting the procedure

- The Director-General shall submit to the Council:
  - for information and discussion, a document identifying the research institutions from which data will be collected
  - for decision, a proposal identifying the financial and social conditions to be reviewed.

Data collection and comparison

- The financial and social conditions of fellows shall be compared with the data collected from the research institutions identified in the document mentioned above.

Proposals and decision

- The results of the comparison shall constitute a guide for the Director-General to use in making his proposals, and for the Council in taking its decision relating to any adjustment of the financial and social conditions of fellows.
The purpose of the five-yearly review is to ensure that the financial and social conditions offered by the Organization to associated members of the personnel allow it to host them in its research facilities, taking into account the highest cost-of-living level in the local region of the Organization.

The five-yearly review must include subsistence allowances and may include any other financial or social conditions.

Starting the procedure
• The Director-General shall submit to the Council for decision a proposal identifying the financial and social conditions to be reviewed.

Proposals and decision
• Taking into account the purpose set above, the Director-General shall propose and the Council shall decide upon any adjustment of the financial and social conditions of associated members of the personnel.
Arrivals/Departures by nationality

- Arrivals
- Departures

Departures

SA presentation during March TREF meeting