

CORPORATE

# Convention Governing Staff Representation

At the European Investment Bank



European  
Investment  
Bank

*The EIB bank*



**Convention Governing Staff Representation  
At the European Investment Bank**

**(Annex III to the Staff Rules)**

**As of 25 October 1995**



## Annex III

(to the Staff Rules)

The full text of the Convention on Staff Representation - signed on 12 April 1984 and revised on 1 April 1988, 1 October 1990 and 25 October 1995 - mentioned in Section 14 of the Staff Rules is given hereafter:

### **CONVENTION GOVERNING STAFF REPRESENTATION AT THE EUROPEAN INVESTMENT BANK**

WHEREAS:

- 1) the Convention signed on 12 April 1984, revised on 1 April 1988 and 1 October 1990, mentioned in Section 14 of the Staff Rules, governed relations between the European Investment Bank and its personnel, taking into consideration that:
  - the personnel of an enterprise is entitled to organise itself freely, in accordance with the principles enshrined in the labour laws of the Member Countries of the European Union, for the purpose of promoting its interests in keeping with those of the enterprise,
  - it is desirable to maintain and strengthen good relations between the personnel and the enterprise in order to help foster team spirit and staff motivation,
- 2) following social developments in the Member States new provisions have been introduced, through legislation, regulations or case law, such that a number of fundamental new principles and common practices now govern collective labour relations in the Member Countries;
- 3) the social policy defined in the Treaty on European Union encourages all organisations to engage in social dialogue, notably by implementing specific measures in the areas of employment, collective bargaining, staff representation and social welfare systems;
- 4) the Staff Representatives requested in writing on 12 January 1995 that the said Convention governing Staff Representation consequently be revised so as to incorporate new principles;

NOW THEREFORE IT IS HEREBY AGREED AS FOLLOWS:

THIS CONVENTION IS MADE BETWEEN:

- the European Investment Bank, hereinafter called "the Bank", represented by its President, of the first part,

and

- the Staff Representatives of the European Investment Bank, duly elected on 11 June 1992, 17 June 1993 and 25 November 1993, of the second part.

## I. General

Art. 1 For the purposes of this Convention:

- the "Bank" shall mean the European Investment Bank established by Article 198d of the Treaty on European Union and its decision-making bodies;
- the "Administration" shall mean the Department of the Bank responsible for personnel management, as empowered by its President;
- the "Personnel" or "Staff" shall be understood to be all persons - referred to as STAFF MEMBERS - who have entered into a contract of employment with the Bank;
- the "Staff Representatives", hereinafter called the "SRs", shall be taken to mean the members of the Bank's staff referred to in Article 24 of the Staff Regulations;
- the categories: the staff categories provided for in Article 14 of the Staff Regulations I and of the Staff Regulations II, the functions and grades taken into account respectively being those attaching to the posts occupied by those concerned, be they electors, candidates or SRs.

Art. 2 The Staff Representation shall represent the entire Staff of the Bank, which shall be able to meet together in an assembly to consider any current problem, including any matter involving consultation with the Administration.

Art. 3 The College of SRs shall be the sole Bank Staff Representation. This provision shall not however rule out the possibility of any member of staff addressing himself directly to the President of the Bank or exercising any right of recourse.

The SRs shall be elected by secret ballot by the Staff.

Their tasks shall be to:

- (1) represent the general interests of all or part of the Staff in relation to the contract of employment, the Staff Regulations I and the Staff Regulations II, the Staff Pension Scheme Regulations and all agreements with the Bank;
- (2) fulfil any other duties or mandates entrusted to them pursuant to the texts governing the running of the Bank;
- (3) ensure that the Staff has a collective voice, allowing for its interests to be permanently taken into account.

Every staff member shall be entitled to seek the assistance of either one or two SRs in the event of any dispute affecting that staff member.

Art. 4 The Staff Representatives shall exercise their remit in accordance with the procedures laid down in Section V.

The SRs may not be the subject of discriminatory measures on the part of the Bank on the grounds of the mandate exercised by them. In the event of the disciplinary measures provided for in Articles 38 and 40 of the Staff Regulations I and of the Staff Regulations II, the Joint Committee shall verify that the facts with which the SRs concerned are reproached do not arise from their legitimate role as SRs.

Art. 5 The Administration shall furnish the SRs with the material assistance necessary for the accomplishment of their tasks as defined in Article 3.

The Administration shall, in particular, ensure that the Staff has a place in which to meet and shall establish and keep up to date the electoral register.

The Administration shall also provide the SRs with a room for their permanent use in order to enable them adequately to fulfil their tasks. Similarly, the SRs shall be free to display announcements, reports and statements of positions adopted by them on a noticeboard set aside for this purpose.

Art. 6 Relations between the Bank, the Administration and the SRs shall be subject to proper discretion. SRs shall be obliged to respect the secrecy of any fact or information of a confidential nature brought to their knowledge in the exercise of their duties, in accordance with the terms of Annex III.

## II. The College of Staff Representatives

Art. 7 There shall be thirteen SRs. The composition of the College shall be such as to guarantee representation for every staff category. In the event of the expiry of the term of office and/or the resignation and/or unavailability of one or more of its members, the College shall continue to be validly constituted, provided however that its remaining members number at least eight. Collective or individual day-to-day interests shall be represented on a permanent basis.

Art. 8 The term of office of the SRs shall be three years; a partial election shall be held every eighteen months. The method of electing SRs and the responsibilities of the Election Committee shall be set out in Annex IV to this Convention. The Annexes to the Convention may be amended, if necessary, by mutual agreement of the SRs and the Administration.

Art. 9 SRs shall be deemed unable to perform their duties as Staff Representatives for such time as disciplinary proceedings under Article 40 of the Staff Regulations I or of the Staff Regulations II are pending against them before the Joint Committee.

Art. 10 Prior to its normal expiry date, the term of office of an SR shall be considered as having expired:

- (1) in the event of death;
- (2) in the event of cessation of employment at the Bank;
- (3) where the SR informs the College of Staff Representatives and the Chairman of the Election Committee (the person designated in the Annex referred to in Article 8) that he is resigning from office;
- (4) where the majority of electors in a category withdraws its support from the SR elected by this category and informs the College of Staff Representatives and the Chairman of the Election Committee accordingly;
- (5) where the majority of electors withdraws its support from an SR elected by all members of Staff and informs the College of Staff Representatives and the Chairman of the Election Committee accordingly;
- (6) if the SR transfers from the category which elected him to another category within the first eighteen months of his term of office;
- (7) where decided unanimously by the other SRs on the basis of evidence of grave or repeated violations of the discretion binding upon all SRs under Article 6.

The College of Staff Representatives and the Chairman of the Election Committee shall be informed in writing of any of the circumstances mentioned in (3), (4) or (5) above. Solely the Chairman of the Election Committee shall be notified of the circumstance referred to in (7).

Any SR who is absent because of illness, unpaid leave on personal grounds or secondment for more than four consecutive months shall be considered to have resigned.

The method for replacing SRs who have resigned shall be set out in the Annex referred to in Article 8 hereof.

Art. 11 All the Personnel of an outside Bank office with a staff of ten or more shall nominate a person to liaise with the SRs at the Bank's headquarters.

Art. 12 The SRs shall be afforded the time to carry out their duties as Staff Representatives, particularly for their own internal meetings or those held with the Bank and its Administration. The time devoted to fulfilling their duties shall be deemed working time. The same shall hold true for the persons referred to in Articles 11 and 18.

The College shall be provided with a full-time budgetary post - divisible into part-time posts. It shall have the option of allotting this post among its members representing the secretarial, clerical and support staff category for all or part of the period of their term of office in order that they may devote themselves more fully to the performance of their mandate.

- Art. 13 The SRs shall apprise the Bank and its Administration of the name or names of those nominated from among them as their spokesman or spokesmen or as their delegate(s) to represent them before the Bank.
- Art. 14 Notwithstanding the individual responsibilities of a Staff Representative in his capacity as such, the Representative(s) of a category may put forward opinions separately in the course of consultations on a problem, be it general or specific.
- Art. 15 Subject to Article 6, SRs shall be entitled to disseminate to the Staff as a whole or to members of a specific category any communication connected with the performance of their duties. They shall be able to consult all or part of the Staff, notably in writing or by convening a meeting.
- Art.16 The activities of the College of Staff Representatives shall be governed by Rules of Procedure.

### **III. Supportive Facilities**

- Art. 17 In order to enable the SRs to carry out the tasks defined in Article 3, a permanent secretariat shall be set up by the Bank for the use of the SRs together with the requisite facilities and equipment.

The tasks of this secretariat shall in particular be to:

- (1) prepare and organise the activities of the SRs;
  - (2) advise the SRs, conduct research on specific questions in the context of staff policy, collate documentation and any reference material assisting in the examination of dossiers;
  - (3) draft minutes of meetings, positions adopted and notes issued by the College;
  - (4) monitor all matters arising between the Administration and the College;
  - (5) keep the SRs informed of any changes in the field of social welfare and personnel policy in the Member States, the European institutions and/or other international organisations;
  - (6) establish and maintain external contacts and represent the SRs at meetings outside the Bank, in accordance with instructions received.
- Art. 18 The SRs shall be entitled to set up any working parties or committees required to permit them to fulfil their remit as defined in Article 3. The SRs shall nominate those staff members to represent them on the working parties or committees in respect of which provision for such participation is made in the regulations and other texts governing specific relations between the Administration of the Bank and its Staff. The provisions of Articles 4 and 6 of this Convention shall be applicable to them.

The SRs may call on consultants outside the Bank with respect to specific questions provided that the corresponding costs are borne by their budget and subject to compliance with the principle of proper discretion laid down in Article 6 above.

### **IV. Financial Resources**

- Art. 19 Pursuant to the principle laid down in Articles 5, 12 and 17 of this Convention, and as part of the Bank's budget estimates, the College of Staff Representatives shall be accorded an annual budget adapted to the expenses incurred in the performance of its tasks. The amount of this budget and the manner of its administration shall be established annually as part of the Bank's general budgetary procedure.

Art. 20 Expenses shall be decided by the College of Staff Representatives within the framework of the above annual budget.

Art. 21 The SRs shall be entitled to request voluntary contributions from the Staff.

Art. 22 An SR or other staff member appointed as treasurer shall keep accounts of the use made of the annual budget and shall be answerable for these to the College of SRs. These accounts shall be subject to the same internal audit as the other accounts of the Bank.

## **V. Decision-making Process for Proposals Concerning the General Interests of All or Part of the Staff**

The AREAS and FORMS of competence of the SRs shall be as follows:

### **AREAS OF COMPETENCE**

#### **Art. 23 Joint Committees**

The Administration and the Staff Representatives shall set up Joint Committees for activities financed/administered partly by the Bank and partly by the Staff. The purpose of such committees shall be to deliver an opinion on all matters within their province for submission to the Bank's decision-making bodies. To this end, each Joint Committee shall endeavour as far as possible to reach a consensus. The activities in question shall include notably:

- equal opportunities;
- the Pension Fund;
- the Optional Supplementary Provident Scheme (OSPS);
- the Health Insurance Scheme;
- the Restaurant;
- the Crèche;

as well as all other existing and future social and cultural activities within the Bank for the benefit of its staff members and their families.

A social activity financed/administered partly by the Bank and partly by the Staff shall mean any activity, irrespective of its appellation, foundation and modus operandi, carried out for the benefit of the staff with a view to improving the collective working and living conditions of staff within the Bank.

#### **Art. 24 Consultation**

The College of Staff Representatives shall contribute to the formulation of personnel policy. It shall draw up proposals, on its own initiative, and shall examine any proposal drawn up by the Administration for submission to the Management Committee in the areas listed in Annex I hereto.

The SRs and the Administration shall set up Working Parties with a view to studying proposals for submission to the Management Committee.

The Staff Representatives shall state their position in the form of a reasoned opinion appended to each proposal submitted to the Management Committee in these areas.

#### **Art. 25 Information**

The Staff Representatives shall be kept regularly informed about meetings of the Management Committee, Board of Directors and Board of Governors, as well as about the matters listed in Annex II hereto.

## **FORMS OF COMPETENCE**

The following three forms of competence are provided for in the areas specified in Articles 23, 24 and 25:

### **- Firstly -**

#### **Art. 26 Joint Committee**

Rules of Procedure shall be established for each Joint Committee and be approved by the Administration and the Staff Representatives. All such Rules of Procedure - which shall also specify voting procedures - shall include the following elements and provisions:

- 1) the composition of the Committee and the manner in which its members are appointed in keeping with its collective nature;
- 2) the work programme and frequency of meetings;
- 3) the Joint Committee may formulate proposals within its area of competence for submission to the Management Committee;
- 4) the opinions of the Committee and the decisions relating to proposals for submission to the Bank's decision-making bodies shall be adopted by majority vote of those members present;
- 5) the Committee shall appraise the annual report on the activities within its competence and deliver its opinion thereon;
- 6) the Committee must be consulted on any proposal to increase contributions;
- 7) the Committee's opinion must be included in any proposal submitted to the Management Committee;
- 8) the Committee shall be apprised of any changes in policy relating to its competence.

#### **Art. 27 SR/Administration Working Parties**

Meetings of SR/Administration Working Parties provided for in Article 24 shall be organised in order to:

- (a) study a new dossier;
- (b) analyse the introduction of new elements in a dossier already opened;
- (c) review the general situation of a dossier or discuss adoption of points (a) and (b) above, and in any event every six months.

With respect to points (a) and (b), the party opening the dossier or introducing new elements shall specify the objectives which it intends to pursue in so opening or amending a dossier.

The number of participants from the Administration and the SRs shall be determined in the light of the nature of the dossier, but shall not be less than two persons on each side.

The Administration shall include mention, in its communication to the Management Committee, of the position adopted and any amendments/comments put forward by the College of Staff Representatives, as provided for in Article 24 hereof.

#### **Art. 28 Meetings**

Meetings with the SRs may take one of the following four forms:

- meetings of SR/Administration Working Parties provided for in Articles 24 and 27 above;
- ordinary meetings;
- ad hoc meetings;
- urgent meetings (on any matter).

These meetings shall be held in the presence of the representatives of the Administration and, where appropriate, of one or more members of the Management Committee.

By common accord between the Administration and the SRs, outside consultants may, as an exception, attend these meetings.

Art. 29 Ordinary meetings

- (1) Meetings between the SRs and the Administration shall generally be held once a month.
- (2) All staff matters shall be dealt with twice a year in an exchange of views between the SRs and the President and/or the member of the Management Committee responsible for staff matters and, where applicable, other members of the Management Committee.
- (3) Meetings between the SRs and the member of the Management Committee responsible for staff matters shall be held once every three months, provided that the SRs or this member of the Management Committee establish that there is a need for such a meeting.
- (4) Minutes of each meeting shall be drawn up and distributed jointly to all the Staff. In the case of differences of opinion, the standpoint adopted by the SRs and by the Bank and its Administration shall be set out side-by-side, at the responsibility of each party. The minutes shall be signed by both parties and, subject to the provisos of Article 6, shall be circulated to all members of Staff, under a dual letterhead, within a maximum of three weeks following the meeting, beyond which each party may present its own text separately.

Art. 30 Ad hoc meetings

Ad hoc meetings may be organised at different levels with the Directorates of the Bank, at the request of the latter or the SRs, to discuss special matters with the member of the Management Committee most particularly concerned with such matters.

Art. 31 Urgent meetings

Should the need arise, the Bank, its Administration or the SRs may request urgent meetings for an exchange of views on a matter of importance or urgency. Such meetings shall take place within ten working days at the latest of the date on which they are requested.

Art. 32 Exchange of documents

**Principles**

- (1) The Administration shall inform the College of Staff Representatives of those matters which it is intending to study and of the corresponding timetable.
- (2) The Bank shall provide the SRs with all requisite information on matters to be dealt with and shall do so within reasonable time to enable them to study such matters and to formulate their opinion.

**Procedures**

- (3) The documents concerned shall be made available to the SRs at least ten working days prior to the date on which such opinion is to be formulated, apart from those cases where there is mutual agreement on a different time limit; this time limit may in no case be less than five working days.
- (4) The Administration shall examine all requests for additional information submitted by the College of SRs and, if unable to accede to such requests, must specify its reasons.

**- Secondly -****Art. 33 Management Committee**

Whenever the Management Committee is examining during one of its meetings a proposal concerning the general interests of all or part of the Staff, the SRs shall be entitled to attend the discussions and to put and expound upon their observations. They shall receive a copy of the minutes containing the decisions adopted at such meetings.

**- Thirdly -****Art. 34 Board of Directors**

- (1) As regards matters which are the responsibility of the Board of Directors, in its communication to the latter the Management Committee shall present the position adopted by the SRs and any amendments/comments proposed by them.
- (2) The College of Staff Representatives shall be entitled to nominate a limited number of its members to attend, as observers, discussions of the Board of Directors whenever the latter is examining a proposal concerning the general interests of all or part of the Staff. It shall receive a copy of the minutes containing the decisions adopted at such meetings.

**VI. Defence of Individual Interests**

Art. 35 The SR or SRs concerned, as provided for under Article 3, shall be entitled to suggest to the Administration that ad hoc meetings be held to discuss a dispute concerning an individual staff member. The Administration shall organise such meetings, insofar as is possible, within one week with a view to seeking a solution to the problem underlying the dispute.

Art. 36 Failing agreement, the staff member concerned or, with his consent, the SR or SRs concerned shall be entitled to submit the dispute to a Conciliation Committee set up to seek a solution.

The Committee shall consist of the Director of Human Resources, the spokesman of the SRs, or their respective deputies, and a third member who shall be the Chairman of the Committee. The latter shall be nominated by the first two within one week of the Committee being approached. Failing agreement on the nomination of the third member, the latter shall be nominated by the Director-General of Legal Affairs. The conciliation procedure shall be deemed to have failed if the Committee does not reach a settlement of the dispute acceptable to both sides within two weeks of its formation.

Art. 37 Where the Committee does not produce a solution to the dispute, it shall, subject to the agreement of the staff member concerned, make a reasoned report to the President of the Bank. Each member of the Committee may add his minority opinion thereto. In the last resort, the President of the Bank shall decide the matter.

**VII. Conciliation Procedure**

Art. 38 Disputes of any nature concerning decisions to be taken with regard to the general interests of the staff, or implementation of such decisions, may be submitted to a Conciliation Board, whose role will be to seek a solution.

The Conciliation Board shall consist of three members. When the Board is obliged to meet, one of its members shall be nominated by the President of the Bank, another by the Staff Representatives, both nominations being made within one week of the request to have recourse to the conciliation procedure. The third member, who shall be the Chairman of the Board, shall be nominated by the first two nominees. The three members need not be from the Bank. If, within one week following their nomination, the first two members are unable to agree on the

nomination of the Chairman, such nomination shall be undertaken by the President of the Court of Justice of the European Communities.

The conciliation procedure shall be deemed to have failed if the Conciliation Board does not reach a settlement acceptable to both sides within two weeks of its formation.

Art. 39 In addition to the provisions of this Convention - notably Articles 4 and 6 -, all pertinent provisions of the various texts governing relations between the Bank and its Staff, as well as the general principles of labour laws in the Member States shall apply to the conciliation procedures provided for in Articles 36 and 38 hereof.

### **VIII. Duration and Termination of the Convention**

Art. 40 This Convention shall be concluded for a period of two years and shall be renewed tacitly from one year to the next, save where one or other party gives written notice three months in advance of the term of the Convention. In the event of notice of termination: the Convention shall remain in force until signature of a new Convention between the parties, but for no longer than six months following its expiry; the contracting parties must enter into negotiations no later than six weeks before expiry of the original Convention with a view to drafting a new Convention. The party responsible for terminating the Convention must accompany its letter of termination with a draft Convention covering those provisions which it wishes to see revised. In the event of a new Convention not being concluded within six months, the parties shall be free to have recourse to the conciliation procedure provided for in Article 38 hereof.

Art. 41 This Convention shall enter into force on the day of signature.

Done at Luxembourg, in three originals, on 25 October 1995.

(followed by names and signatures on behalf of the European Investment Bank and the Staff Representatives)

**Annex I to the Convention  
governing Staff Representation  
at the European Investment Bank**

**CONSULTATION PROCEDURE (ref. Art. 24)**

**Scope**

- 1) Remuneration
- 2) General Bank policy on the Functional Structure
- 3) Appraisal system and appeals procedure
- 4) General Bank policy on Job Titles and Careers
- 5) General Bank policy on Vocational Training
- 6) Job Evaluation
- 7) Staff Rules
- 8) Welfare Scheme
- 9) General measures relating to early retirement.

**Annex II** to the Convention  
governing Staff Representation  
at the European Investment Bank

**COMMUNICATION OF INFORMATION** (ref. Art. 25)

**Type of Information**

- 1. The Staff Representatives shall be included on the distribution list for documents relating to developments in the Bank's activity and its mission, in particular the following documents:**
  - 1.1. Corporate Objectives and Business Plan;
  - 1.2. Documents on general Bank policy;
  - 1.3. Documents on the Management Information System - MIS;
  - 1.4. Draft Annual Report;
  - 1.5. Agendas for meetings of the Management Committee, Board of Directors and Board of Governors.
  
- 2. The Staff Representatives shall also receive information on:**
  - 2.1. Budgeted organisation structure;
  - 2.2. Training programme;
  - 2.3. Bank policy on employment, technological developments, occupational health and safety, working conditions, staff use of the building and operation of installations.

**Annex III** to the Convention  
governing Staff Representation  
at the European Investment Bank

**CONFIDENTIALITY OF INFORMATION**

In accordance with Article 6 of the Convention between the Staff Representatives and the Bank, the SRs shall be obliged to respect the secrecy of all confidential facts or documents brought to their notice in the exercise of their mandate.

For this purpose, the following shall be deemed strictly confidential:

- Information of any kind directly relating to individual members of staff, as well as information which, although of a more general nature, might be to the detriment of one or more staff members were it divulged.
- Information which, if divulged, might be prejudicial to the Bank or would compromise the latter in its relations with third parties in the exercise of its activities.

Apart from the above information, which may under no circumstances be divulged, the SRs shall be obliged to maintain proper discretion in the exercise of their remits within the joint committees and working parties provided for in the Convention and for such time as a dossier is under discussion.

The SRs shall be entitled to inform the Staff of any decision taken by the Bank relating to the interests of the staff as a whole or of a specific category of staff.

**Annexe IV** to the Convention governing  
Staff Representation at the  
European Investment Bank**ELECTION OF STAFF REPRESENTATIVES**

Art. 1 The Staff Representatives, hereinafter called the "SRs", shall be elected in accordance with the arrangements set out in this Annex.

Art. 2 The SRs shall be formed into a collegiate body ("the College") comprising of thirteen seats.

Without prejudice to Article 17 below, at least two seats must be filled by SRs from the Management staff category (one from Function C/Grade 7 and one from Senior management cadre/Grade 8 or 9), one from the Executive staff category, and one from the Secretarial, Clerical and Support staff category ("the Minimum Representation").

Without prejudice to the above paragraph, at least one seat should be filled by each of the two contractual categories (Staff Regulations I (SRI) and Staff Regulations II (SRII)). When allocating the seats an unfilled place would be filled by the person with the highest number of votes of other contractual category if such category is not represented.

Regardless of which category they belong to, all SRs are elected by all members of staff at the EIB (the "Staff") who are eligible to vote under Article 4 hereto (the "Electors").

The College is validly constituted when it has at least eight (8) members.

The amendments to this provision will enter into force in January 2019.

Art. 3 The term of office of each SR shall be three (3) years. However, in order to ensure continuity of staff representation, and subject to Article 23, elections shall be organised every eighteen (18) months, in principle, to elect seven (7) and six (6) representatives alternately.

The terms of office of SRs shall be renewable.

The maximum term of office as an SR shall be limited to 3 (three) mandates (9 (nine) years), no more than 2 (two) (6 (six) years) consecutive. Of these, no more than 2 (two) (6 (six) years) should be as a detachment. There should be a minimum of 3 (three) years cooling off period between the two (2) terms of office. This provision will enter into force in January 2019.

Elections shall be by secret ballot.

Art. 4 All Staff in active service and who have been employed by the Bank during the entire period of three (3) months immediately preceding the day of an election and who, in principle, will be still employed at the date of the elections shall be eligible to vote.

The electoral register shall be prepared and kept up to date by Personnel<sup>1</sup>.

Art. 5 With the exception of the Secretary General and members of the Senior management cadre/Grade 8 or 9 in Personnel and their deputies<sup>2</sup>, all Electors who have been members of the Bank's staff for at least six (6) months may stand for election, provided that on the day of the elections they have, where relevant, completed their probationary period and the length of their remaining employment relation to the Bank is at least twelve (12) months.

Any Staff member employed in providing services to the College should not, at the same time, be a Staff Representative. When a Staff member (see further below) working for the College wishes to stand as an SR, then, if he/she is elected, the Administration should find an alternative and equivalent position for him/her for the duration of their mandate.

<sup>1</sup> For the purposes of this Annex, any reference to Personnel shall be construed to mean the current Personnel Directorate and any successor entity.

<sup>2</sup> To whom a cooling off period corresponding to the duration of 12 months is applicable.

For the sake of transparency, Staff whose employment at the Bank ends before the end of the term of office for which they are standing are strongly invited to declare the remaining length of their employment in their electoral campaign. Being elected SR does not in any way give them a right to have the employment relation prolonged with the Bank.

Art. 6 Only Electors shall be entitled to invoke the provisions of Article 10 of the Convention.

Art. 7 Elections shall be organised by the Election Committee (the "Committee"). The Committee shall comprise the Director General of Personnel, as non-voting Chairperson, and subject to his or her consent the most senior member of staff by length of Bank service of each category as well as the next longest-serving member of staff of the category with the most members, provided that such members of the Committee are not SRs. The College shall also nominate one of its members to sit on the Committee who shall not be entitled to vote. The Director General of Personnel may delegate the role of Chairperson to another member of Personnel of Management staff category level.

Members of the Committee may not stand for election.

If one of the Committee's voting members refuses the membership, the next longest-serving person in the same category will be nominated. If one of the Committee's voting members is absent or is prevented from attending a meeting, he or she shall be replaced by the next longest-serving person in the same category. The Committee's decisions shall be taken by a majority vote. The Committee shall enjoy sole powers in all electoral matters and shall deliver a final decision with respect to any complaint concerning the elections.

Art. 8 The Chairman of the Committee shall hold the documents relating to elections at the disposal of Committee members and the SRs for a period of two (2) months following the elections and shall retain a reserve list until the next regular election.

For confidentiality reasons, members of the Committee should refrain, for a period of two (2) months, from publishing comments in any way related to the election procedures for which they served.

Art. 9 The Committee shall remain in office until the nomination of the next Committee. Any seat that becomes vacant shall be filled in accordance with the provisions of Article 7 above.

Art. 10 The Committee shall be convened by its Chairperson.

Art. 11 The Election Committee shall inform Staff by circular not later than five (5) weeks before the ballot that an election of SRs is to be held. The circular shall contain, inter alia, the following information:

- (1) the voting period;
- (2) the number of members of Staff required to sign a candidate's nomination papers in accordance with Article 12 of this Annex;
- (3) the closing date for submission of nominations;
- (4) notice that the ballot is to be held on the basis of nominations received and that account can be taken only of those nominations received within the stipulated time limit.

At the same time, the list of Electors, which shall also indicate eligibility, shall be published to the Staff.

The circular and the lists of Electors shall be posted on the Bank's website. The Committee shall decide on additional means of publishing and distribution, which include, but are not limited to the notice boards in the various EIB buildings, e-mail and ordinary mail.

Within three (3) days following publication of these documents, Staff may submit their observations in writing to the Committee.

When the list of Electors is final, the Electors' names shall be posted on the Bank's website.

Art. 12 The election shall be conditional upon nominations being submitted to the Committee.

Each nomination must be signed by at least thirty (30) electors belonging to at least two (2) categories, with at least five (5) signatories from each category.

Nominations must be countersigned by the candidates to indicate their consent. Nominations must be submitted to the Committee at least three (3) weeks before the date of the elections and notified to Staff at least two (2) weeks before the said date.

All candidates shall be provided with the same material means for official publicity in accordance with arrangements prescribed by the Committee.

Art. 13 Voting shall be carried out either by manual or electronic procedure.

The manual procedure shall be open only to Staff who will be absent from the Bank during the entire online voting period and will not have access to the EIB Group's intranet. These Staff are requested to make themselves known to the Committee in accordance with the application form annexed to the circular to Staff informing them of the election.

Art. 14 The manual procedure shall be as follows:

1. Each Staff member shall be handed against written receipt or sent:
  - (a) a ballot paper bearing the names of the candidates seeking election;
  - (b) a white envelope for the ballot paper;
  - (c) an envelope bearing the name of the elector and the address of the Committee;
  - (d) a notice indicating the date by which the ballot paper must be returned or handed in to the Committee, together with a concise reminder of the voting procedure. This notice shall also indicate the time when the ballot will close.
2. Electors shall express their choice by marking a cross on each ballot paper against a number of candidates not exceeding the number of SRs to be elected. Any signs, marks or indications on a ballot paper other than those intended to enable the Electors to express their choice shall invalidate the paper. Ballot papers bearing more crosses than there are SRs to be elected shall also be considered invalid.
3. The envelopes referred to in Article 14.1(b) and (c) above may either be returned to the Committee by post before the day of the ballot or handed in directly to the Committee on the day of the ballot by the time indicated in Article 14.1(d) above.
4. Invalid and blank ballot papers shall be considered to be votes cast.

Art. 15 The electronic procedure shall be as follows:

1. The elections shall take place online on a secure website.
2. These electronic elections shall be subject to security and confidentiality rules guaranteeing that:
  - (a) only Electors whose names are on the electoral register may vote;
  - (b) Electors may vote only once in any given election;
  - (c) the data recorded cannot be used to trace how someone has voted.
3. Voting shall be effected via a PC or on any authorised device connected to the EIB Group's intranet by authorized means and authenticated by a seamless single-sign-on based on the Windows user ID and password.
4. Electronic voting shall be open 24 hours a day during the period specified in the circular.
5. Invalid electronic votes do not exist; only valid or blank votes are registered.

6. The voting procedure shall be as follows:
- (a) Electors shall go to "Elections" on the website home page;
  - (b) Electors may vote by selecting on the ballot screen a number of candidates not exceeding the number of SRs to be elected. They shall not be able to vote for more candidates than there are vacant seats as they will receive a message informing them that there is an error when they try to validate their vote. Electors may cast a blank ballot by not selecting any candidate. Before validating their ballot, Electors will always receive a confirmation request;
  - (c) at the end of the voting period, the election shall be closed. At that point, online voting shall no longer be possible and "manual" votes (see Article 14 above) received from Electors who are absent from the Bank and unable to connect to the EIB Group's intranet shall be entered into the application. Manual ballots shall be input in the presence of the Committee to ensure that confidentiality is respected and that the procedure is conducted correctly.

Art. 16 The Committee shall first determine if the Minimum Representation is assured and if not, which of the categories are under-represented. The candidate or candidates belonging to the under-represented category or categories with the highest number of votes shall be deemed elected. Subject to Article 17 below, the balance of vacant seats within the College shall then be filled by candidates with the highest number of votes regardless of their category on a "first past the post" basis.

Art. 17 In the event that Minimum Representation is not assured and there are no candidates or an insufficient number thereof belonging to the under-represented category, such seat shall remain vacant until the next election, whether regular or intermediate.

Art. 18 If an elected candidate refuses to accept the mandate, the candidate receiving the next highest number of votes shall, subject to his or her agreement, be declared elected. If the refusal of an elected candidate leads to a situation where the Minimum Representation is not assured, the candidate belonging to the under-represented category and receiving the next highest number of votes shall, subject to his or her agreement, be declared elected.

The remaining candidates are placed in a descending order of votes received on a reserve list.

If an equal number of votes is cast, lots shall be drawn.

Art. 19 An official report of the election proceedings shall be drawn up and this shall be signed by the members of the Committee. The Committee shall inform the Bank's Administration and the Staff immediately of the results of the elections by posting them on the "Elections" page on the intranet.

The official report shall contain at least the following information:

- (1) the number of Electors;
- (2) the number of votes cast;
- (3) the number of votes cast to each candidate;
- (4) the number of blank votes;
- (5) the composition of the reserve list.

Art. 20 Complaints concerning the elections must be lodged during the first working day following publication of the election results. The Committee shall deliver its decision during the working day following that on which the complaints were lodged. Its decision shall be final.

Art. 21 An SR's term of office shall expire in accordance with the provisions of Article 10 of the Convention.

Art. 22 If a seat falls vacant and, subject to Article 17 above, the Minimum Representation is assured, the candidate that is placed highest on the reserve list shall, subject to his or her agreement, be declared elected. Should the Minimum Representation not be assured, the candidate belonging to the under-represented category who is placed highest on the reserve list shall, subject to his

or her agreement, be declared elected. The term of office of such SR is the remainder of the SR whose seat fell vacant.

The provisions of Article 18 first and second, shall apply.

Art. 23 Should the number of SRs fall below 8, an intermediate election shall be organised immediately for the vacant seats according to the procedures set out herein for regular elections, unless the next regular elections are scheduled to be held in less than three (3) months' time.

In the event that intermediate elections are being held to fill varying lengths of mandates, the mandates shall be allocated on the principle that the higher the number of votes received, the longer the mandate.

Art. 24 Any cases not catered for by these regulations shall be decided by the Committee, which shall inform all Staff and the Bank's Administration accordingly.





**CORPORATE**

# **Convention Governing Staff Representation**

At the European Investment Bank



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