



Ref.: 2015-07-D-16-en-4

Orig.: EN

Schola Europaea

Office of the Secretary-General

Human Resources Unit

# **AMENDMENT OF THE SERVICE REGULATIONS FOR THE ADMINISTRATIVE AND ANCILLARY STAFF (AAS) OF THE EUROPEAN SCHOOLS**

---

**BOARD OF GOVERNORS**

**Meeting on 1, 2 and 3 December 2015**

---

## **1. Introduction**

By decision of the Board of Governors of December 2014 (document 2014-10-D-21-en-2) a modification of the *Financial Regulation of 24 October 2006 Applicable to the Budget of the European Schools* (hereafter: 'Financial Regulation') and of the *Rules for Implementing the Financial Regulation (Implementing Rules)* was approved.

With respect to the role of 'accounting officer', Article 24 of the Financial Regulation was modified in order to remove the automatic link between the Administrator-Bursar and the function of accounting officer. This amendment was based on recommendations of the Internal Audit Service of the European Commission in order to favor, among other aspects, the implementation of a more effective segregation of duties in the Schools.

In this sense, the following sentence was removed from the previous wording of the first paragraph of Article 24 of the Financial Regulation: *"Each School's administrator bursar shall be appointed accounting officer for the purposes of this Financial Regulation"*.

Consequently, also Article 11 of the *Regulations for Seconded Staff Members of the European Schools* was modified by decision of the Board of Governors in April 2015 (see document 2015-01-D-22-en-3).

As of 1 January 2015 it has become possible that a member of staff other than the Administrator-Bursar could be appointed as accounting officer if he/she fulfills the requirements stated under the (also revised) text of the same Article 24 of the Financial Regulation: *"Accounting officers shall be recruited on the grounds of their particular competence as evidenced by diplomas or by equivalent professional experience"*.

In order to allow also members of the Administrative and Ancillary Staff (AAS) of the European Schools to fill in this particular function it will be necessary to amend the '*Service Regulations for the Administrative and Ancillary Staff (AAS) of the European Schools*' (hereunder: AAS Regulations).

## **2. Necessary amendments of the AAS Regulations**

In order to foresee also AAS members as 'accounting officer' the following five main items could be addressed in a specific Article of the AAS Regulations:

- Tasks and qualification,
- Remuneration,
- Appointment procedure,
- Liability and disciplinary framework,
- Delegation/back-up.

### **a) Tasks and qualification**

The tasks and necessary qualification of the 'accounting officer' are addressed in the Financial Regulation (in particular in Articles 24, 25 and 28 of the Financial Regulation).

A simple reference to the Financial Regulation would be the most adequate approach to cover these two aspects. Nevertheless, in this context it should be clarified that the 'accounting officer' is not under the authority of the Bursar as far as his/her tasks as 'accounting officer' are concerned. A detailed description of the tasks and responsibilities of the 'Accounting Officer' is provided in Annex 5 of this document.

## **b) Remuneration**

Concerning the potential remuneration of an AAS 'accounting officer' in principle two options could be envisaged to compensate the additional responsibility and in particular the additional liability illustrated in Article 81 of the Financial Regulation.

**Option 1:** The preferred option would be to foresee for the staff member who is willing to take this particular function and liability a **particular 'allowance' equal to the value of three steps** in his/her current occupational category for the duration of his/her appointment as 'accounting officer'. The financial implications of this option are illustrated in Annex 3.

**Option 2:** Another option could be to create a new occupational category 'accounting officer' with a unique salary grid composed of 8 steps like other AAS occupational categories. Accordingly, also Annex 1, 2 and 3 of the AAS Regulations would have to be amended.

The financial implications are illustrated in Annex 4 of this document.

## **c) Appointment procedure**

In Article 24 of the Financial Regulation it is stated that the Secretary-General should appoint the accounting officer in the Office of the Secretary-General.

Concerning the Schools it was stated in the past that the Bursar is the 'accounting officer' (see also above) and the Bursar is appointed by the Secretary-General.

In the new legal framework it has to be clarified who will appoint the 'accounting officers' in the Schools.

Taking in consideration the management function of the Director and the duties and responsibilities of the Administrative Board it could be advisable to foresee that the 'accounting officers' in the Schools are appointed by the Administration Board based on a proposal of the Director. This implies that the selection procedure is carried out under the authority of the Director, but the formal act of appointment is left to the Administration Board.

Finally, in order to facilitate rotation in a sensitive area there should be a possibility to foresee a temporary appointment. The possibility of rotation among staff members of the same school will be excluded in case option 2 ('creation of a new occupational category') will be chosen.

## **d) Liability and disciplinary framework**

The liability of the 'accounting officer' is addressed in Article 81 of the Financial Regulation. According to Article 84 of the Financial Regulation the liability to payment of compensation and disciplinary action of 'accounting officers' shall be determined by the Board of Governors.

Due to their liability the 'accounting officers' – among other staff members - shall insure themselves against risks arising under Article 81 of the Financial Regulation and the School

shall cover the insurance costs relating thereto by paying the premiums directly to the insurer.

In this context again a reference to the particular Articles of the Financial Regulation should in general be sufficient. Nevertheless, a clarification with respect to the relation between the 'normal' disciplinary framework for AAS members (Article 31 and Article 32 of the AAS Regulations) and the specific disciplinary framework created by Article 81 and Article 84 of the Financial Regulation should be provided.

#### **e) Delegation/back-up**

Article 24 of the Financial Regulation foresees that the 'accounting officer' may be assisted in his or her duties by one or more 'assistant accounting officers'.

With respect to the remuneration of this assistant or back-up Article 23 of the AAS Regulation could be applied by analogy. This could be clarified in an accompanying MEMO.

### **3. Discussion in the Directors Meeting**

The draft proposal was discussed and option 1 found support in the meeting of the Directors of the European Schools on 8 September 2015.

### **4. Discussion in the AAS Working Group**

The proposal was discussed in the AAS Working Group on 30 September 2015. The proposal found the general support of the representative of the Directors and – after further internal discussions – of the representatives of the AAS. It was agreed to foresee instead of a temporary progression in the steps a 'bonus' representing the value of three steps of the occupational category hold by the AAS member concerned (option 1). The European Commission kept a reservation and indicated to prefer the creation of a new occupational category (option 2).

### **5. Position of the Budgetary Committee**

The Budgetary Committee acknowledged the importance of segregation of duties as a prevention tool and recommended amendment of the AAS Service Regulations so as to be able to assign the function of Accounting Officer to a member of the AAS. The Budgetary Committee agreed to the creation of the posts requested and to the upgrades. Some delegations did, however, express reservations about the 'bonus' granted.

### **6. Proposal**

The Board of Governors is kindly asked to adopt the proposal (option 1) to amend the AAS Regulations as illustrated in Annex 1.

A comprehensive comparison of the two options can be found in Annex 2.

**Proposal for the amendment of the ‘Service Regulations for the Administrative and Ancillary Staff (AAS) of the European Schools’**

**Article 23 bis            Accounting Officer**

1. Based on a proposal of the Director the Administration Board of a School may decide to appoint a member of the Administrative and Ancillary Staff as ‘accounting officer’ as referred to in Article 24 of the Financial Regulation of the Europea Schools. In the Office of the Secretary-General this decision has to be taken by the Secretary-General.  
The appointment can be temporary.
2. The tasks and qualification of the ‘accounting officer’ are specified in the Financial Regulation.
3. When executing these tasks the ‘accounting officer’ is subject to the sole managerial authority of the Director of the School respectively the Secretary-General of the European Schools in the Office of the Secretary-General.
4. Without prejudice to Articles 7 and 21 and Annex II and III of these Regulations Members of the Administrative and Ancillary Staff of the European Schools being appointed as ‘accounting officer’ shall receive for the duration of their appointment a special allowance equivalent to the value of three steps of their occupational category.
5. Without prejudice to Articles 31 and 32 of these Regulations the member of the Administrative and Ancillary Staff will be subject to the disciplinary framework laid down in the Financial Regulations when executing his/her tasks as ‘accounting officer’.

**Comparison of option 1 ('special allowance') and option 2 ('new occupational category'):**

	<b>Option 1 – 'special allowance'</b>	<b>Option 2 – 'new occupational category'</b>	<b>remarks</b>
<b>Tasks and qualification</b>	As addressed in Article 24, 25 and 28 of the financial Regulation	Dto.	A specific 'charter of tasks' will be established
<b>Selection procedure</b>	selection among existing staff members (in particular accountants and head accountants)	In general upgrade of existing accountants/head accountants; in case of creation of new post external publication	
<b>Appointment procedure</b>	By the Admin Board	Dto.	
<b>Liability and disciplinary framework</b>	As addressed in Article 81 and 84 of the Financial Regulation	Dto.	
<b>Job rotation</b>	Possible to a certain extent among personnel in the accountancy of the same school	In general not possible among staff in the same school	
<b>Costs (including new posts as indicated in document 2015-10-D-29-en-2)</b>	<b>€ 299.596</b>  (allowance only: € 94.596)	<b>€ 292.600</b>	

## Financial sheet option 1 ('special allowance')

## a) Table 1: additional costs caused by the 'special allowance'

According to the current overview in total 10 European Schools will choose a model where the 'Accounting Officer' will be in future a member of AAS.

School	Value of step x 3 x	Increase gross salary per year	Increase social charges per year <sup>1</sup>	Additional costs in total per year
Alicante	€151 x 3 = € 453	€ 6.342	€ 1.902	€ 8.244
Bergen	-	-	-	-
Brussels I	€ 213,25 x 3 = € 639,75	€ 8.252	€ 2.558	€ 10.810
Brussels II	€ 213,25 x 3 = € 639,75	€ 8.252	€ 2.558	€ 10.810
Brussels III	€ 213,25 x 3 = € 639,75	€ 8.252	€ 2.558	€ 10.810
Brussels IV	€ 213,25 x 3 = € 639,75	€ 8.252	€ 2.558	€ 10.810
Culham	-	-	-	-
Frankfurt	€ 120,80 x 3 = € 362,40	€ 4.644	€ 1.393	€ 6.037
Karlsruhe	€ 120,80 x 3 = € 362,40	€ 4.644	€ 1.393	€ 6.037
Luxembourg I	-	-	-	-
Luxembourg II	-	-	-	-
Mol	€ 213,25 x 3 = € 639,75	€ 8.252	€ 2.558	€ 10.810
München	€ 174,18 x 3 = € 522,54	€ 6.740	€ 2.022	€ 8.762
Varese	€ 205,60 x 3 = € 616,80	€ 8.018	€ 3.448	€ 11.466
<b>Total:</b>				€ 94.596

<sup>1</sup> Approximately 30% of the gross salary.

**b) Table 2: additional costs caused by the 'special allowance' and the additional posts und upgradings (see document 2015-10-D-29-en-2)**

*in EURO*

<b>AB 1 / 2016</b>	<b>Model</b>	<b>New posts</b>	<b>Cost of new posts</b>	<b>Upgrade</b>	<b>Allowance</b>	<b>Total</b>
Alicante	I	0,5	30.000	5.000	8.244	43.244
Bergen	II	0,5	30.000			30.000
Brussels I	I				10.810	10.810
Brussels II	I				10.810	10.810
Brussels III	I				10.810	10.810
Brussels IV	I				10.810	10.810
Culham	III					0
Frankfurt	I	0,5	30.000	5.000	6.037	41.037
Karlsruhe	I	0,5	30.000	5.000	6.037	41.037
Luxemburg I	II					0
Luxemburg II	II					0
Mol	I			5.000	10.810	15.810
Munich	I			5.000	8.762	13.762
Varese	I	1	60.000		11.466	71.466
BCSG	II					
<b>TOTAL</b>		<b>3</b>	<b>180.000</b>	<b>25.000</b>	<b>94.596</b>	<b>299.596</b>



## Financial sheet option 2 ('new occupational category')

Table 3: Creation of new occupational category 'Accounting Officer' (including upgrades) and additional posts in accordance with document 2015-10-D-29-en-2

*in EURO*

AB 1 / 2016	Model	New posts	Cost of new posts	Upgrade to new occupational category 'accounting officer'	allowance	Total
Alicante	I	0,5	30.000	11.000 <sup>2</sup>	-	41.000
Bergen	II	0,5	30.000	-	-	30.000
Brussels I	I			8.400	-	8.400
Brussels II	I			8.400	-	8.400
Brussels III	I			8.400	-	8.400
Brussels IV	I			8.400	-	8.400
Culham	III			-	-	0
Frankfurt	I	0,5	30.000	16.800 <sup>3</sup>	-	46.800
Karlsruhe	I	0,5	30.000	16.800 <sup>4</sup>	-	46.800
Luxemburg I	II			-	-	0
Luxemburg II	II			-	-	0
Mol	I			8.400	-	8.400
Munich	I			18.000 <sup>5</sup>	-	18.000
Varese	I	1	60.000	8.000	-	68.000
BCSG	II				-	
<b>TOTAL</b>		<b>3</b>	<b>180.000</b>	<b>112.600</b>	<b>-</b>	<b>292.600</b>

---

<sup>2</sup> Upgrade from Accountant to 'Accounting Officer'

<sup>3</sup> Dto.

<sup>4</sup> Dto.

<sup>5</sup> Dto.

## CHARTER OF TASKS AND RESPONSIBILITIES OF THE ACCOUNTING OFFICERS @ THE EUROPEAN SCHOOLS



### 1. PREAMBLE

- 1.1. This "Charter" has been drawn up in accordance with the provisions of the Financial Regulation applicable to the budget of the European Schools (hereinafter "the Financial Regulation", FR), its Rules of Application (IR) and the Staff Regulations<sup>6</sup>. It identifies the tasks entrusted to the Schools' Accounting Officer<sup>7</sup> (hereinafter "the Accounting Officer"), his/her rights and duties and the responsibilities he/she assumes in the exercise of his/her
- 1.2. functions, in light of the objectives assigned to him/her by the financial legislation.
- 1.3. The Charter is not an exhaustive or restrictive description of the duties of the Accounting Officer; these are laid down in the FR and its IR.
- 1.4. This Charter spells out the relationship between the School's Administration Board and the Accounting Officer, and the relationship of the Accounting Officer with the School's Authorising Officer.

### 2. DESIGNATION OF THE ACCOUNTING OFFICER

- 2.1. The Accounting Officer of the Schools shall be an official appointed by the Administration Board of the respective School. In case of Office of the Secretary-General (OSG) the Accounting Officer shall be appointed by the

---

<sup>6</sup> - Financial Regulation of 24 October 2006 applicable to the European Schools, amended by the decision of the Board of Governors of 2-4 December 2014.

- Rules for Implementing the Financial Regulation, amended by the decision of the Board of Governors of 2-4 December 2014.

- Service Regulation for the Administrative and Ancillary Staff (AAS) of the European Schools last amended and approved by the Board of Governors at its meeting on 3-5 December 2013.

- Regulations for Members of the Seconded Staff of the European Schools last amended by the decision of the Board of Governors of 15, 16 and 17 April 2015.

<sup>7</sup> According to article 1 of the FR all references to Schools also include the Office of the Secretary-General unless stated otherwise.

Secretary-General (a possible appointment by the Board of Governors is under discussion under the framework of the revision of the FR).

- 2.2. The Accounting Officer shall be chosen on the grounds of his particular competence as evidenced by diplomas or by equivalent professional experience.
- 2.3. The Accounting Officer shall perform his/her duties in accordance with the provisions of the FR and its IR and shall perform his/her tasks with honesty and probity and with due regard for the protection of the European Schools' financial interests.
- 2.4. The Authorising Officer of the School shall make available to the Accounting Officer the staff and equipment necessary for the proper performance of his/her tasks. He/she shall also grant access to the information necessary for the production of the accounts.
- 2.5. The tasks performed by the Accounting Officer shall be incompatible with those of Authorising Officer, Financial Controller and Internal Audit.

### **3. TERMINATION OF DUTIES OF THE ACCOUNTING OFFICER**

- 3.1. The Accounting Officer can only be removed from his/her duties by the Administration Board of the School, respectively by the Secretary-General for the OSG (a possible appointment by the Board of Governors is under discussion under the framework of the revision of the FR).
- 3.2. In the event of the termination of the Accounting Officer's contract/secondment, unless this falls at the end of a financial year, a trial balance shall be drawn up without delay.
- 3.3. The trial balance, accompanied by a handing-over report, shall be transmitted to the new Accounting Officer by the outgoing Accounting Officer or, if this is not possible, by the official temporarily replacing him/her.
- 3.4. The new Accounting Officer shall, within no more than a month following transmission, sign the trial balance in acceptance and may make reservations.

### **4. DELEGATION OF TASK AND DUTIES**

- 4.1. The Accounting Officer may be assisted by one or more Assistant Accounting Officer(s) likewise appointed by the School's Administration Board, respectively appointed by the Secretary-General for the OSG.
- 4.2. The Accounting Officer may delegate – where indispensable for his/her duties - certain tasks to subordinate staff. The entrusted tasks, rights and obligations should be properly documented.

## **5. MISSION OF THE ACCOUNTING OFFICER**

The Accounting Officer is the School's responsible, in accordance with Article 24 of the FR, for:

- 5.1. proper implementation of payments;
  - 5.2. collection of revenue and recovery of amounts established as being receivable;
  - 5.3. management of treasury and other assets and their safekeeping;
  - 5.4. ensurance of appropriate use of imprest accounts, in accordance with Article 60 of the IR;
  - 5.5. preparing and presenting the accounts in accordance with Article 75, 76, 77 and 78 of the FR;
  - 5.6. preparing of the financial statements provided for in Articles 75, 76, 77 and 78 of the FR
- 5.7. *Proper implementation of payments*
- 5.7.1. Payments shall be made by the Accounting Officer, on the basis of payment orders issued by the Authorising Officer within the limits of the funds available.
  - 5.7.2. The Accounting Officer shall make payments promptly.
  - 5.7.3. Payments shall be effected through a bank account by electronic means, apart from exceptional cases stated in article 54 IR.
  - 5.7.4. In schools where an automated, secure link between the accounting software SAP and the electronic banking system exists only the Accounting Officer or another duly authorised official needs to sign a payment. In all other cases the rules established in the Memorandum on Payment procedures (2011-07-M-2/RC) fully apply.
- 5.8. *Collection of revenue and recovery of established entitlements*
- 5.8.1. The Accounting Officer shall act on recovery orders issued in accordance with article 27(2) and 28 of the FR. He/she shall exercise due diligence in the collection of revenue to ensure that entitlements are recovered and that the School's rights are safeguarded.
  - 5.8.2. Where an entitlement has not been recovered by the date set for payment, the Accounting Officer shall inform the Authorising Officer and the Financial Controller within the set time limits. If necessary, he/she shall launch a recovery procedure.
  - 5.8.3. The Accounting Officer shall, at the end of each quarter, send the Authorising Officers an age-based balance of recovery orders together with reports including estimates of revenue and other relevant indicators for analysis on which to base decisions on whether to recover or waive an established entitlement.

#### 5.9. *Treasury management*

- 5.9.1. The Accounting Officer shall ensure that the School has at its disposal sufficient funds to cover cash requirements arising from budget implementation. For this purpose he/she shall set up a regular cash-flow forecasts.
- 5.9.2. The Accounting Officer, upon authorization of the Authorising Officer and under fulfillment of the requirements on payments (two signatures), performs transfers between bank accounts opened in the name of the School. He/she must ensure at all times that none of these accounts is in debit.
- 5.9.3. The Accounting Officer shall reconcile the bank accounts with the bookkeeping on a monthly basis. He/she must investigate and, if necessary, regularise any differences which may occur.

#### 5.10. *Preparation and presentation of the accounts*

- 5.10.1. The Accounting Officer shall prepare and sign off the School's accounts. He/she shall submit them to the Administration Board for approval and after it, transmit them to the OSG no later than 1<sup>st</sup> of April.
- 5.10.2. By signing off the accounts he/she certifies that he/she has a reasonable assurance that the accounts present a true and fair view of the financial situation of the School. For that purpose, the Accounting Officer shall satisfy him/herself that the accounts have been prepared in accordance with the established accounting rules, and that all revenue and expenditure is entered in the accounts.  

The Accounting Officer shall take into account the observations of the Court of Auditors and Internal Audit Service.
- 5.10.3. The Authorising Officers shall provide access to all information that the Accounting Officer may need in order to fulfil his/her duties. At the same time the Authorising Officer remains fully responsible for the proper use of the funds (without prejudice of the responsibilities expressly conferred to the Accounting Officer) as well as the legality and regularity of the expenditure.
- 5.10.4. The Accounting Officer shall make reservations, if necessary, explaining exactly the nature and scope of such reservations.

#### 5.11. *Keeping the accounts*

- 5.11.1. The Accounting Officer shall reconcile the cash at bank with the account statements on a monthly basis, and in any event whenever the accounts are closed.
- 5.11.2. The Accounting Officer shall ensure the regular monitoring of the open items on transitory accounts. To this end, he/she shall send appropriate reminders to the Accounting clerks, who are responsible for the regularisation of these operations.
- 5.11.3. The Accounting Officer shall keep the documents relating to the accounts and accounting at least for five years from the date the discharge of the Board of Governors has been given.

5.11.4. He/she shall keep documents relating to operations not definitively closed for a longer period, until the end of the year following that in which the operations are closed.

## **6. LIABILITY OF THE ACCOUNTING OFFICER**

- 6.1. The liability of the Accounting Officer shall be governed by the FR and its IR.
- 6.2. In accordance with Article 81 of the FR, the Accounting Officer who, by intention or negligence, does not comply with the FR and its IR when performing his/her tasks shall render him/herself liable to disciplinary action and, where appropriate, to payment of compensation.
- 6.3. He/she renders him/herself liable to disciplinary action and to payment of compensation as regards any loss or deterioration of the monies, assets and documents in his/her charge where such a loss or deterioration results from an intentional mistake or serious negligence on his/her part.
- 6.4. Under the same conditions, he/she shall be responsible for the correct execution of orders received in respect to the use and administration of bank accounts, and in particular:
  - where the recoveries or payments made by him/her do not correspond to the respective recovery or payment orders.
  - where they effect payment to a party other than the payee entitled.
- 6.5. The Accounting Officer shall insure him/herself against the risks arising under article 81 of the FR. The School shall cover the insurance costs relating thereto and shall pay the premium directly to the insurer.

## **7. FRAUD, CORRUPTION, CONFLICT OF INTERESTS**

- 7.1. In cases the Accounting Officer considers a decision he/she is required to agree to is irregular or contrary to the principle of sound financial management or the professional rules he/she shall inform in writing the Secretary-General and the Administration Board.
- 7.2. In the event of any illegal activity, fraud or corruption which may harm the interest of the School or the Contracting Parties referred to in Article 25 of the Convention defining the statute of the European Schools, he/she shall inform the authorities and bodies designated by applicable legislation.

(Signature of the Accounting Officer)