

▼ B*ANNEX II***Composition and procedure of the bodies provided for in Article 9 of the Staff Regulations****CONTENTS**

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Section 1**STAFF COMMITTEE***Article 1***▼ M91**

The Staff Committee shall comprise the members thereof, together with their alternates if any, whose term of office shall be three years. The ►**M131** appointing authority of each institution ◀ may, however, decide to fix a shorter term of office, which may not be less than one year. Every official of the institution shall be entitled to vote and stand for election.

▼ M23

The conditions for election to the Staff Committee if it is not organized in local sections, or to the local section, if the Staff Committee is organized in local sections, shall be laid down by the general meeting of officials of the institution in service at the relevant place of employment. ►**M131** However, the appointing authority of each institution may decide that the conditions for election are to be determined in accordance with the preference of the staff of the institution as expressed in a referendum. ◀ Election shall be by secret ballot.

If the Staff Committee is organized in local sections, the manner in which the members of the Central Committee are appointed for each place of employment shall be laid down by the general meeting of officials of the institution in service at the relevant place of employment. Only members of the local section concerned may be appointed members of the General Committee.

Membership of the Staff Committee if it is not organized in local sections, or of the local section if the Staff Committee is organized in local sections, shall be such as to ensure the representation of ►**M131** the three function groups ◀ provided for in Article 5 of the Staff Regulations and also of the servants referred to in the first paragraph of Article 7 of the Conditions of Employment of other servants of the ►**M128** Union ◀. The Central Committee of a Staff Committee organized in local sections shall be validly constituted upon appointment of a majority of its members.

Elections to the Staff Committee if it is not organized in local sections, or to the local section if the Staff Committee is organized in local sections, shall be valid only if two thirds of the officials entitled to vote take part. However, if this proportion is not attained, the second vote shall be valid if the majority of those entitled take part.

▼ M23

The duties undertaken by members of the Staff Committee and by officials appointed by the Committee to organs set up under the Staff Regulations or by the institution shall be deemed to be part of their normal service in their institution. The fact of performing such duties shall in no way be prejudicial to the person concerned.

▼ B**Section 2****JOINT COMMITTEE****▼ M85***Article 2*

The Joint Committee or Committees of an institution shall consist of:

- a chairman appointed each year by the appointing authority,
- members and alternates appointed at the same time in equal numbers by the appointing authority and by the Staff Committee.

▼ C11

The common Joint Committee for two or more institutions shall consist of:

▼ M85

- a chairman appointed by the appointing authority referred to in **► M131** — **◄** Article 2 of the Staff Regulations,
- members and alternates appointed in equal numbers by the appointing authorities of the institutions represented on the common Joint Committee and by the Staff Committees.

The procedures for instituting the common Joint Committee shall be adopted by agreement between the institutions represented on the common Joint Committee, after consulting their Staff Committee.

An alternate shall vote only in the absence of a member.

▼ B*Article 3*

The Joint Committee shall meet when convened by the appointing authority or at the request of the Staff Committee.

The proceedings of the Committee shall be valid only if all full members or, in their absence, their alternates are present.

The chairman of the Committee shall not vote save on questions of procedure.

▼ M23

▼ B

► M23 The opinion of the Committee **◄** shall be communicated in writing to the appointing authority and to the Staff Committee within five days of its adoption.

▼ B

Any member of the Committee may require that his views be recorded in the opinion.

▼ M85*Article 3a*

The common Joint Committee shall meet at the request either of the appointing authority referred to in ► **M112** Article 2(2) ◄ of the Staff Regulations or of an appointing authority or a Staff Committee of one of the institutions represented on that Joint Committee.

The proceedings of the common Joint Committee shall be valid only if all members or their alternates are present.

The Chairman of the common Joint Committee shall not vote save on questions of procedure.

The opinion of the common Joint Committee shall be communicated in writing to the appointing authority within the meaning of ► **M112** Article 2(2) ◄ of the Staff Regulations, to the other appointing authorities and to their Staff Committees within five days of its adoption.

Any member of the common Joint Committee may require that his views be recorded in the opinion of the Joint Committee.

▼ M112

Section 3

▼ B**INVALIDITY COMMITTEE***Article 7***▼ M23**

The Invalidation Committee shall consist of three doctors:

- one appointed by the institution to which the official concerned belongs;
- one appointed by the official concerned; and
- one appointed by agreement between the first two doctors.

Should the official concerned fail to appoint a doctor, the President of the Court of Justice of the ► **M128** European Union ◄ shall appoint one.

▼ M39

In the event of failure to agree on the appointment of a third doctor within two months of the appointment of the second doctor, the third shall be appointed by the President of the Court of Justice of the ► **M128** European Union ◄ at the request of one of the parties concerned.

▼ B*Article 8*

Expenses incurred in connection with the proceedings of the Invalidity Committee shall borne by the institution to which the official concerned belongs.

Where the doctor appointed by the official concerned is resident elsewhere than at the place where the official is employed, the official shall bear the cost of the additional fees entailed, with the exception of first-class travel expenses, which shall be refunded by the institution.

Article 9

The official may submit to the Invalidity Committee any reports or certificates from his regular doctor or from any other medical practitioners whom he may have consulted.

The Invalidity Committee's conclusions shall be communicated to the appointing authority and to the official concerned.

The proceedings of the Committee shall be secret.

▼ M112

Section 4

▼ B**REPORTS COMMITTEE****▼ M112***Article 10*

Members of the Report Committee shall be appointed each year by the Appointing Authority and the Staff Committee, each appointing the same number from among officials of the institution in function group AD. The Committee shall elect its chairman. Members of the Joint Committee shall not be members of the Reports Committee.

Where the Report Committee is called upon to make a recommendation concerning an official whose immediate superior is a member of the Committee, that member shall not take part in the consideration of his case.

▼ B*Article 11*

The proceedings of the Reports Committee shall be secret.

▼ M112

Section 5

JOINT ADVISORY COMMITTEE FOR PROFESSIONAL INCOMPETENCE*Article 12*

The Joint Advisory Committee for professional incompetence shall comprise a chairman and at least two members, who shall be officials of grade AD 14 at least. The chairman and the members shall be appointed for a period of three years. Half of the members shall be designated by the Staff Committee and half by the Appointing Authority. The chairman shall be appointed by the Appointing Authority from a list of candidates drawn up in concertation with the Staff Committee.

▼ M112

When the case concerns an official in grade AD 14 or lower, the Joint Advisory Committee shall include two further members from the same function group and of the same grade as the official in question, designated in the same way as the permanent members.

Where the Joint Advisory Committee is called upon to examine the case of a senior management official within the meaning of Article 29(2) of the Staff Regulations, a special ad hoc Joint Advisory Committee shall be set up, comprising two members appointed by the Staff Committee and two members appointed by the Appointing Authority, who shall be of a grade at least equal to that of the official concerned.

The Appointing Authority and the Staff Committee shall agree on an ad hoc procedure to designate the further members referred to in the second paragraph who shall sit for cases involving an official posted to a country outside the Union or a member of the contract staff.