

Chairmanship: Ireland

930th PLENARY MEETING OF THE COUNCIL

1. Date: Thursday, 15 November 2012

Opened: 10.10 a.m.
Suspended: 1 p.m.
Resumed: 3.10 p.m.
Closed: 4.25 p.m.

2. Chairperson: Ambassador E. O’Leary
Ms. M. Feeney

3. Subjects discussed – Statements – Decisions/documents adopted:

Agenda item 1: REPORT BY THE PERSONAL REPRESENTATIVES OF THE CHAIRPERSON-IN-OFFICE ON COMBATING RACISM, XENOPHOBIA AND DISCRIMINATION, ALSO FOCUSING ON INTOLERANCE AND DISCRIMINATION AGAINST CHRISTIANS AND MEMBERS OF OTHER RELIGIONS; ON COMBATING ANTI-SEMITISM; AND ON COMBATING INTOLERANCE AND DISCRIMINATION AGAINST MUSLIMS

Chairperson, Personal Representative of the Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination, also Focusing on Intolerance and Discrimination against Christians and Members of Other Religions (CIO.GAL/165/12), Personal Representative of the Chairperson-in-Office on Combating Intolerance and Discrimination against Muslims (CIO.GAL/166/12), Personal Representative of the Chairperson-in-Office on Combating Anti-Semitism (CIO.GAL/167/12), Cyprus-European Union (with the acceding country Croatia; the candidate countries the former Yugoslav Republic of Macedonia, Iceland, Montenegro, and Serbia; the countries of the Stabilisation and Association Process and potential candidate countries Albania and Bosnia and Herzegovina; the European Free Trade Association country Liechtenstein, member of the European Economic Area; as well as Andorra, Georgia and San Marino, in alignment) (PC.DEL/1025/12), United States of America (PC.DEL/1024/12),

Russian Federation, Switzerland (PC.DEL/1034/12), Kazakhstan (PC.DEL/1036/12), Albania (PC.DEL/1030/12), Holy See (PC.DEL/1027/12), Norway (PC.DEL/1039/12), Turkey (PC.DEL/1028/12), Ukraine, Austria, Germany, Hungary (PC.DEL/1026/12), Azerbaijan, Armenia, Israel (Partner for Co-operation), Greece, Sweden, Czech Republic, Lithuania, Netherlands, Spain

Agenda item 2: REPORT BY THE DIRECTOR OF THE CONFLICT
PREVENTION CENTRE

Chairperson, Director of the Conflict Prevention Centre (SEC.GAL/216/12/Rev.1 OSCE+), Cyprus-European Union (with the acceding country Croatia; the candidate countries the former Yugoslav Republic of Macedonia, Iceland, Montenegro, and Serbia; the countries of the Stabilisation and Association Process and potential candidate countries Albania and Bosnia and Herzegovina; the European Free Trade Association countries Liechtenstein and Norway, members of the European Economic Area; as well as Andorra, Georgia, Moldova and San Marino, in alignment) (PC.DEL/1032/12), United States of America (PC.DEL/1029/12), Russian Federation, Switzerland (PC.DEL/1035/12 OSCE+), Turkey (PC.DEL/1044/12 OSCE+), Kazakhstan, Kyrgyzstan, Azerbaijan

Agenda item 3: PRESENTATION BY THE HEAD OF THE EUROPEAN
UNION BORDER ASSISTANCE MISSION TO MOLDOVA
AND UKRAINE, MR. UDO BURKHOLDER

Chairperson, Head of the European Union Border Assistance Mission to Moldova and Ukraine (PC.DEL/983/12), United States of America (PC.DEL/1031/12), Ukraine (PC.DEL/1042/12 OSCE+), Moldova (PC.DEL/1037/12)

Agenda item 4: DECISION ON AMENDING OSCE STAFF REGULATIONS

Chairperson

Decision: The Permanent Council adopted Decision No. 1052 (PC.DEC/1052) on amending OSCE Staff Regulations, the text of which is appended to this journal.

Agenda item 5: REVIEW OF CURRENT ISSUES

- (a) *Decriminalization of defamation in the former Yugoslav Republic of Macedonia:* United States of America (PC.DEL/1038/12), Greece
- (b) *Parliamentary elections in Ukraine, held on 28 October 2012:* Ukraine
- (c) *General elections in the United States of America, held on 6 November 2012:* Cyprus-European Union (with the acceding country Croatia; the candidate countries the former Yugoslav Republic of Macedonia, Iceland, Montenegro, and Serbia; the countries of the Stabilisation and Association Process and

potential candidate countries Albania and Bosnia and Herzegovina; the European Free Trade Association country Norway, member of the European Economic Area; as well as Georgia and Moldova, in alignment) (PC.DEL/1033/12), OSCE Parliamentary Assembly (PA.GAL/9/12 OSCE+), Russian Federation, United States of America, Chairperson

Agenda item 6: REPORT ON THE ACTIVITIES OF THE
CHAIRPERSON-IN-OFFICE

None

Agenda item 7: REPORT OF THE SECRETARY GENERAL

Visit by representatives of the Transnational Threats Department and the External Co-operation Section to Algeria from 12 to 15 November 2012: Secretary General

Agenda item 8: ANY OTHER BUSINESS

Adoption by the French Government of a government action programme against violence and discrimination committed in relation to sexual orientation and gender identity, on 31 October 2012: France

4. Next meeting:

Friday, 16 November 2012, at 3 p.m., in the Neuer Saal



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.DEC/1052
15 November 2012

Original: ENGLISH

930th Plenary Meeting

PC Journal No. 930, Agenda item 4

**DECISION No. 1052
AMENDING OSCE STAFF REGULATIONS**

The Permanent Council,

Acting in accordance with the relevant provisions of Staff Regulation 11.01,

Takes note of the proposed amendments to the Staff Rules circulated by the Secretariat on 4 September 2012 (SEC.GAL/163/12),

Approves the attached amendments to the Staff Regulations 9.01 (Misconduct Warranting Disciplinary Action), 9.02 (Due Process and Protection against Retaliation), 9.04 (Disciplinary Measures) and the insertion of new OSCE Staff Regulations, 9.03 (Courses of action following the response to the allegations), 9.05 (Administrative leave pending investigation and disciplinary procedure), 9.06 (Disciplinary Committee) and 9.07 (Application to Heads of Mission).

AMENDING OSCE STAFF REGULATIONS

CURRENT	AMENDED
<p>Regulation 9.01 Misconduct Warranting Disciplinary Action</p> <p>Non-compliance by a staff/mission member with an obligation stipulated in the present Regulations, the Staff Rules, the OSCE Code of Conduct, or any other relevant administrative issuance may constitute misconduct warranting disciplinary action.</p>	<p>Regulation 9.01 Misconduct Warranting Disciplinary Action</p> <p>Failure to comply with an obligation stipulated in the present Regulations, the Staff Rules, the OSCE Code of Conduct, or any other relevant administrative issuance may constitute misconduct warranting disciplinary action.</p>
<p>Regulation 9.02 Due Process</p> <p>No disciplinary measure shall be imposed unless the staff/mission member concerned has been notified in writing of the allegations and has been given a reasonable opportunity to respond.</p>	<p>Regulation 9.02 Due Process and Protection against Retaliation</p> <p>(a) Neither a disciplinary measure under Regulation 9.04 nor a written reprimand under Rule 9.03.1 shall be imposed unless the staff/mission member concerned has been notified in writing of the allegations and has been given a reasonable opportunity to respond.</p> <p>(b) A staff/mission member who in good faith makes a report of misconduct or who co-operates in a disciplinary procedure, has the right to be protected from retaliation, as is the case when co-operating in an audit or an investigation.</p>
	<p>Regulation 9.03 Courses of action following the response to the allegations</p> <p>(a) Following the response of the staff/mission member to the allegations raised against him/her and the investigation if one has been conducted, the following courses of action may be taken:</p>

AMENDING OSCE STAFF REGULATIONS (continued)

CURRENT	AMENDED
	<p>(i) Full exoneration from the allegations;</p> <p>(ii) Partial exoneration from the allegations;</p> <p>(iii) Submission of the case to the Disciplinary Committee in accordance with Regulation 9.06, unless the staff/mission member decides in writing to waive his/her right for the review of his/her case by the Disciplinary Committee;</p> <p>(iv) Dismissal in accordance with Rule 9.04.2.</p> <p>(b) The decision as to what action should be taken shall be made by the Secretary General or the respective head of institution/mission, in consultation with the Secretary General for international staff/mission members.</p> <p>(c) The full exoneration from the allegations shall close the disciplinary action and shall be communicated in writing to the staff/mission member. Partial exoneration may lead to disciplinary action and/or other administrative actions which may be taken as appropriate:</p> <p>(i) Issuance of a letter of reprimand in accordance with Rule 9.03.1;</p> <p>(ii) Partial or full recovery of financial loss in accordance with Regulation 2.05;</p> <p>(iii) Reflection of work performance issues in the performance appraisal in accordance with Regulation 3.10.</p>

AMENDING OSCE STAFF REGULATIONS (continued)

CURRENT	AMENDED
<p>Regulation 9.03 Disciplinary Measures</p> <p>(a) The appropriate disciplinary measure shall be taken by the Secretary General or the respective head of institution/mission in respect of the disciplinary procedure established in accordance with the Staff Rules.</p> <p>(b) The disciplinary measures shall be as follows:</p> <ul style="list-style-type: none"> (i) Written censure; (ii) Written censure with transfer to another post of the same grade, either in the same duty station or in another duty station in the mission area; (iii) Suspension without pay for a period not exceeding two weeks; (iv) For OSCE staff/mission members entitled to salary increments, deferment of the next increment for a period not exceeding twelve months; (v) For OSCE staff/mission members entitled to salary increments, relegation by one step in the relevant salary scale; (vi) For OSCE staff/mission members with grade, demotion, i.e. personal downgrading in their own post; 	<p>Regulation 9.04 Disciplinary Measures</p> <p>(a) The disciplinary measures that may be imposed upon contracted staff/mission members in accordance with the procedure described in the present Article shall be as follows:</p> <ul style="list-style-type: none"> (i) Written censure; (ii) Written censure with transfer to another post of the same grade, either in the same duty station or in another duty station in the mission area; (iii) Suspension without pay for a specified period not exceeding one month; (iv) Deferment of the next increment for a period not exceeding twelve months; (v) Loss of one or more steps in the relevant salary scale; (vi) Demotion, i.e. personal downgrading in the same post; (vii) Transfer to another post of a lower level, either in the same duty station or in another duty station in the mission area; (viii) Separation from service, with or without notice or compensation in lieu thereof; (ix) Dismissal.

AMENDING OSCE STAFF REGULATIONS (continued)

CURRENT	AMENDED
<p>(vii) Transfer to another post of a lower level, either in the same duty station or in another duty station in the mission area;</p> <p>(viii) Separation from service, with or without notice or compensation in lieu thereof;</p> <p>(ix) Summary dismissal.</p>	<p>(b) The disciplinary measures that may be imposed upon seconded staff/mission members in accordance with the procedure described in the present Article shall be as follows:</p> <p>(i) Written censure;</p> <p>(ii) Written censure with transfer to another post of the same category, either in the same duty station or in another duty station in the mission area;</p> <p>(iii) Suspension without payment of the Board and Lodging Allowances for a specified period not exceeding one month or half thereof not exceeding two months;</p> <p>(iv) Demotion, i.e. personal downgrading in the same post;</p> <p>(v) Transfer to another post of a lower level, either in the same duty station or in another duty station in the mission area;</p> <p>(vi) Separation from service, with or without notice or payment of Board and Lodging Allowance in lieu thereof;</p> <p>(vii) Dismissal.</p>
<p>Regulation 9.03 Disciplinary Measures</p> <p>(c) Pending investigation and conclusion of the disciplinary procedure, the Secretary General or the respective head of institution/mission may suspend from duty the staff/mission member with or without pay.</p>	<p>Regulation 9.05 Administrative leave pending investigation and disciplinary procedure</p> <p>(a) Pending or in the course of an investigation and pending the conclusion of or in the course of the disciplinary procedure, the Secretary General or the respective head of</p>

AMENDING OSCE STAFF REGULATIONS (continued)

CURRENT	AMENDED
<p>(d) If the suspension from duty, the transfer to another post or the separation from service of an international fixed-term staff/mission member is contemplated, the decision shall be taken in consultation with the Secretary General. In addition, in the case of a seconded staff/mission member, the seconding country shall be informed prior to the decision.</p>	<p>institution/mission may place on administrative leave the staff/mission member with or without payment of his/her salary and Board and Lodging Allowances.</p> <p>(b) The placement on administrative leave without pay of international staff/mission members shall be made in consultation with the Secretary General. In the case of a seconded OSCE official, the seconding country shall be informed prior to the decision.</p>
<p>Rule 9.03.4 Disciplinary Committee/Investigative Panel</p> <p>(a) No disciplinary measure shall be imposed on a fixed-term staff/mission member until the matter has been fully investigated by a Disciplinary Committee, or by an Investigative Panel when reviewing alleged violations of Article 6 of the Code of Conduct, except:</p> <ul style="list-style-type: none"> (i) In the case of summary dismissal; (ii) In the case of short-term staff/mission members whose continuous period of service with the OSCE is less than six months; (iii) In the case where the staff/mission member concerned has in writing waived his/her right that the case be referred to the Disciplinary Committee. <p>(b) Where the case is not referred to a Disciplinary Committee or an Investigative Panel, the decision shall be taken by the Secretary General or the respective head of institution/mission on the basis of the evidence</p>	<p>Regulation 9.06 Disciplinary Committee</p> <p>(a) No disciplinary measure shall be imposed on a fixed-term staff/mission member until the case has been reviewed by a Disciplinary Committee, except:</p> <ul style="list-style-type: none"> (i) In the case of dismissal; (ii) In the case where the staff/mission member concerned has in writing waived his/her right that the case be referred to the Disciplinary Committee. <p>(b) Where the case is not referred to a Disciplinary Committee under this Regulation, the decision shall be taken by the Secretary General or the respective head of institution/mission, in consultation with the Secretary General for international staff/mission members, on the basis of the evidence gathered and after the staff/mission member concerned has been notified in writing of the allegations and has been given the opportunity to present his/her own version of the facts in accordance with Regulation 9.02.</p>

AMENDING OSCE STAFF REGULATIONS (continued)

CURRENT	AMENDED
<p>gathered and after the staff/mission member concerned has been notified of the allegations and has been given the opportunity to present his/her own version of the facts.</p> <p>(c) Upon receipt of the response to the allegations in accordance with Staff Rule 9.02.1 (b), the Secretary General or the head of institution/mission shall decide within 30 days whether to impose a disciplinary measure or to refer the matter to a Disciplinary Committee or an Investigative Panel.</p>	<p>(c) In the case where the staff/mission member concerned waives his/ her right to have his/her case reviewed by a Disciplinary Committee, the staff/mission member shall be informed of the disciplinary measure intended to be imposed on him/her by the Secretary General or the head of institution/mission, in consultation with the Secretary General for international staff/mission members. The notification shall be made upon reception of the response to the allegations and the subsequent waiver. Should the staff/mission member accept the disciplinary measure to be imposed, the right of appeal against the imposed disciplinary measure shall be forfeited.</p>
	<p>Regulation 9.07 Application to Heads of Mission</p> <p>Any allegations of misconduct against heads of mission may be submitted in writing to the Secretary General. The provisions of the present Article apply <i>mutatis mutandis</i> and any report shall be submitted to the Secretary General for his/her final decision in consultation with the Chairmanship.</p>