

## COMMON PROVISIONS

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### COMMON PROVISIONS APPLICABLE TO TEACHING AND ADMINISTRATIVE STAFF OF THE EUROPEAN UNIVERSITY INSTITUTE

#### TITLE I APPEALS

##### Article 1

1. Any person to whom the Conditions of Employment of Teaching Staff, the Service Rules for Administrative Staff<sup>(1)</sup> and these Common Provisions apply may submit to the Principal a request that he take a decision relating to him. The Principal shall notify the person concerned of his decision, which must be reasoned, within four months from the date on which the request was made. If at the end of that period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it, against which a complaint may be lodged in accordance with paragraph 2.

2. Any person to whom paragraph 1 applies may submit to the Principal a complaint against an act adversely affecting him, either where the Principal has taken a decision or where he has failed to adopt a measure prescribed by the Conditions of Employment of Teaching Staff, the Service Rules for Administrative Staff or the Common Provisions. The complaint must be lodged within three months. The period shall start to run:

- on the date of publication of the act if it is a measure of a general nature;
- on the day of notification of the decision to the person concerned, but in no case later than the date on which the latter received such notification, if the measure affects a specified person; if, however, an act affecting a specified person also adversely affects another person, the period shall start to run in respect of that other person on the date on which he receives notification thereof but in no case later than the date of publication;
- on the date of expiry of the period prescribed for reply where the complaint concerns an implied decision rejecting a request as provided in paragraph 1.

The Principal shall notify the person concerned of his decision, which must be reasoned, within four months from the date on which the complaint was lodged. If at the end of that period no reply to the complaint has been received, this shall be deemed to constitute an implied decision rejecting it, against which an appeal may be lodged under Article 2.

##### Article 2

1. An Appeals Board shall be set up.

The Appeals Board alone shall rule on disputes between the Institute and any person to whom these Common Provisions, the Conditions of Employment of Teaching Staff *or* the Service Rules for Administrative Staff apply.

The Appeals Board shall be presided over by one of its members elected by the Board.

2. The High Council, acting unanimously, shall determine the number of persons on the Appeals Board and their Statute.

The members of the Appeals Board shall be appointed by the High Council on the basis of a list drawn up by an international juridical body. They shall not be able to perform other duties within the Institute during their term of office.

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(1) *Staff Regulations of the permanent staff members of the Institute and the Conditions of employment of other servants.*

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3. The Appeals Board may be asked to deal only with:
  - (a) a decision which implicitly or explicitly rejects a claim, as laid down in Article 1;
  - (b) requests for stay of execution of an act or for provisional measures, provided that the appellant establishes the urgency and necessity for such stay of execution or for such provisional measures. The Appeals Board shall decide without delay upon the degree of urgency and necessity and, in the case of acceptance, it shall rule on the request for suspension or on the said measures without prejudging the substance of the dispute.
4. The Appeals Board shall draw up its Rules of Procedure, which must be approved by the High Council. The Rules shall define both the role of the Board and the conditions governing its activities.
5. The parties may, within the limits and conditions laid down in the Rules of Procedure, be represented at the Appeals Board by a person of their choice.
6. The Institute shall bear its own costs. However, the Board may order a party to pay costs which it considers that party to have unreasonably or vexatiously caused the opposite party to incur.
7. The Appeals Board shall have its seat in Florence.